

federal register

WEDNESDAY, OCTOBER 6, 1976



highlights

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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presidential documents

Title 3—The President

Proclamation 4466

October 4, 1976

Modification of Proclamation No. 4463¹ Regarding Tariffs on Certain Sugars,
Sirups and Molasses

By the President of the United States of America

A Proclamation


By Proclamation No. 4463 of September 21, 1976, the President modified Proclamation No. 4334 of November 16, 1974, by establishing new rates of duty applicable to certain sugars, sirups, and molasses described in item numbers 155.20 and 155.30 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS" (19 U.S.C. 1202). Proclamation No. 4463 is effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after September 21, 1976.

Taking into account the factors cited in Proclamation No. 4463, and in order to alleviate hardships which may result from increasing the rate of duty with respect to certain goods that were exported prior to the effective date of that Proclamation, I find it appropriate to amend Proclamation No. 4463 to permit articles that were exported to the United States before the effective date of that Proclamation and that are entered, or withdrawn from warehouse, for consumption within a reasonable time following exportation, to continue to be dutiable at the rates provided in Proclamation No. 4334 of November 16, 1974.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)), and in conformity with Headnote 2, Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim that paragraph C of Proclamation No. 4463 of September 21, 1976, is hereby amended to read as follows:

"C. The Provisions of this Proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after September 21, 1976, and shall remain in effect until the President otherwise proclaims or until otherwise superseded by law. However, the provisions of this Proclamation shall not be effective with respect to articles exported to the United States before 12:01 A.M. (U.S. Eastern Daylight Savings Time), September 21, 1976, provided that such articles are entered, or withdrawn from warehouse, for consumption on or before November 8, 1976."

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.



[FR Doc.76-29607 Filed 10-5-76;11:47 am]

¹ 41 FR 41681.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-970; Amdt. 4; Docket 21761]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Amendment To Conform Alaskan Air Taxi Size and Weight Limitations to Those in the Continental United States

Effective: November 5, 1976.

Adopted: October 1, 1976.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 1, 1976.

In EDR-273, (June 4, 1974, 39 FR 20504, Docket 21761), the Civil Aeronautics Board issued a notice of proposed rulemaking to amend certain sections¹ of Part 298 of its Economic Regulations (14 CFR Part 298) so as to make applicable to air taxi operators in the State of Alaska the aircraft size and weight limitations presently applicable to air taxi operators in the 48 contiguous states and the territories.

Pursuant to the notice, seven comments were filed. The Alaska Air Carriers Association both filed a separate statement of nonopposition and joined in the supporting comment filed jointly by the Alaska Transportation Commission (ATC), the State of Alaska, the Fairbanks Parties, the Alaska Air Carriers Association, and the City of Fort Yukon. Southeast Skyways also filed a comment in support of the proposed change. Filing in opposition were Alaska Airlines, Inc., Kodiak-Western Alaska Airlines, Inc., Munz Northern Airlines, Inc., jointly with Merric, Inc., and Era Helicopters, Inc., and Wien Air Alaska, Inc. Upon consideration, the Board has decided to amend Part 298 as proposed in EDR-273. The tentative findings and conclusions set forth in EDR-273 are made final, and, except to the extent granted herein, all requests contained in the comments are denied.

In the Part 298 Weight Limitation Investigation, Orders 72-7-61 and 72-9-62, the Board replaced the then-existing 12,500-pound takeoff weight limitation on air taxi aircraft with a more liberal 30-seat/7500-pound payload restriction. This change, however, was made applicable only to air taxi services in the con-

tinental United States. The Board deferred any decision as to intra-Alaska operations until after the determination of the bush route phase of the Alaska Service Investigation. That proceeding, however, did not develop satisfactory materials for decision. As a result, the Board by Order 74-6-21, issued June 4, 1974, severed the Part 298 issue from the Alaska Service Investigation and contemporaneously issued EDR-273 proposing this rulemaking to provide interested persons an opportunity to comment on the sole issue of Alaskan air taxi limitations and supplement the information already available in the Part 298 Weight Limitation Investigation.

Alaskan air transportation has a unique regulatory framework. Certified carriers have route protection *vis-a-vis* air taxis. Under § 298.34(b), a Federally regulated Alaskan air taxi operator may not operate scheduled services between points served by a certificated airline with at least two scheduled single-plane flights per week, including flag stops. Additionally, § 298.34(a) requires Part 298 operators to obtain authority from the State of Alaska as well, thus ensuring that Alaskan air transportation service will accord with local requirements as determined by State authorities. Air taxis in Hawaii and the lower 48 States operate free of these restrictions.

Alaskan conditions are unique in other respects as well. Many small communities are geographically isolated and dependent on air service. The size of airfield facilities and the service needs vary among these communities, some of which are not served by certificated carriers. The pipeline and its associated activities have added to Alaska's already strong economic development. Thus, economic factors as well as the topography of the State combine to produce a growing demand for air transportation involving aircraft of varying sizes and configurations. Since July 1974, the Board has granted exemptions for seven aircraft that exceed the current weight limitation.²

In the Weight Limitation case, Administrative Law Judge Ruhlen recommended against a relaxation of 12,500-pound test in Alaska on the ground that it might harm Alaska's pattern of certificated air routes. His conclusion was based on the general nature of Alaskan markets, not on specific evidence that a more liberal air taxi standard would result in substantial diversion from certificated airlines. However, as the Board decided in the main portion of the Part 298 Weight Limitation Investigation,

² Orders 70-7-73, 70-6-133, 70-2-97, 70-1-118, 75-10-15, 75-7-88, 74-7-88.

(Order 72-7-61, July 18, 1972), the proper questions when considering the air taxi weight limitation are whether there is a demonstrable need for a liberalized weight limitation and whether a lower weight limitation is necessary to protect scheduled service.

Based upon the questions and record before us, we disagree with the Administrative Law Judge's recommendation. There is a continued need for air service in Alaska and, since the certificated carriers do not serve all the communities which require air transportation, that need must be met by both air taxis and certificated carriers. The need for improved service can best be met by permitting taxi operator and certificated carrier alike the flexibility to use large or small aircraft as conditions warrant. Moreover, we are of the view that the route protection afforded by § 298.34(b) adequately protects scheduled service from competition by air taxis, thus obviating any requirement to retain a lower weight limitation to protect the certificated carriers. Therefore, upon consideration of the needs of Alaska for air transportation provided by aircraft of varying sizes and of the route protection afforded the certificated system by § 298.34(b), the Board is of the view that the proper course is to liberalize the rule and thus permit the Alaskan air taxis, like their lower-48 counterparts, to use larger aircraft if in their judgment such operating would be profitable.

Of the seven comments received, the four participating certificated carriers (Wien, Alaska, Kodiak-Western, and Munz Northern) opposed the Board's proposal. They argued first that there is no justification for making the decision in the Part 298 Weight Limitation Investigation apply to Alaska. The Board does not agree since, as already discussed, it has found that Alaska has an economic need for the types of taxi aircraft permitted under the Weight Limitation decision.

Secondly, the certificated carriers argued that the route protection afforded by § 298.34(b) is "illusory" and not sufficient to protect the certificated system. The route protection afforded Alaskan certificated carriers is unique to Alaska and already recognizes the need to afford maximum possible protection to the certificated carriers. However, CAB regulation does not protect a Federally regulated carrier from the effects of competition by State-licensed carriers who are not engaged in interstate commerce and not subject to Federal economic regulation. Furthermore, in this instance the Board does not consider it appropriate to modify its regulations in response to intrastate competitive activi-

¹ EDR-273 proposed to amend provisions which were then found in §§ 298.2 and 298.21 (a) and (c). Subsequently, by ER-929, effective September 10, 1975, 40 F.R. 42855, the Board revised and reissued Part 298, without substantive change, as a result of which § 298.2 was unchanged but § 291.21 (a) and (c) were redesignated as §§ 298.31 and 298.34, respectively. The redesignated sections will be referred to by their current designations.

ties. Moreover, the route protection provided by § 298.34(b) does protect certificated carriers who maintain minimal service levels at certificated points from competition by all Part 298 air taxis. Violations of this prohibition should be the subject of enforcement complaints, not the basis for compensatory adjustments in the basic rule structure.

Accordingly, in consideration of the foregoing, the Civil Aeronautics Board hereby makes the following amendments to Part 298 of its Economic Regulations (14 CFR Part 298), effective November 5, 1976:

1. Amend section 298.2 by revising the definition of "large aircraft" to read as follows:

§ 298.2 Definitions.

As used in this part:

(i) "Large aircraft" means any aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds; *Provided, however*, That, for the purposes of this Part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404, F-27 and FH-227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

2. Revise § 298.31 to read as follows:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this Part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less, except that with respect to operations conducted within Hawaii such exemption extends only to such operation of aircraft having a maximum takeoff weight of 12,500 pounds or less.

3. Revise § 298.34(a) to read as follows:

§ 298.34 Limitations on air taxi service in Alaska.

(a) An air taxi operator shall not provide or offer to provide air transportation between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum passenger capacity of 30 seats or less and maximum payload capacity of 7,500 pounds or less as a common carrier in intrastate commerce, or has applied to the Board for, and re-

ceived, special exemption authority (see Subpart D of Part 302 of the Procedural Regulations).

(Secs. 204, 416, Federal Aviation Act of 1958 as amended, 72 Stat. 743, 771; (49 U.S.C. 1324, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 76-29309 Filed 10-5-76; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

Fellowship and Scholarship Grants; Revision

State Education and Training Program; Reinstatement

• *Purpose.* The purpose of this document is to revise and consolidate the regulations on Fellowship and Scholarship Grants and to reinstate the regulation concerning State Education and Training Programs.

Due to the repetitious material involved in the existing regulations concerning this subject area (presently cited as 23 CFR 260 Subparts A, B, and C), these regulations are hereby revised and consolidated into the attached regulation, 23 CFR 260, Subpart A. Title 23 CFR 260, Subparts B and C are hereby reserved.

The revision of 23 CFR 260 published at 40 FR 58633 (Dec. 18, 1975) inadvertently omitted Subpart D concerning State education and training programs. Title 23 CFR 260, Subpart D is hereby reinstated.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a) (2), therefore, general notice of proposed rulemaking is not required.

The reinstatement of Subpart D to Part 260 of Title 23, Code of Federal Regulations is effective immediately.

The revised regulations at 23 CFR Part 260, Subpart A are effective on October 13, 1976.

Issued on: September 27, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 260, Education and Training Programs, Subpart A, is revised to read as set forth below: Subparts B and C (§§ 260.201-260.217 and 260.301-260.317) are deleted and reserved. Subpart D, State Education and Training Programs is reinstated to read as set forth below.

Subpart A—Fellowship and Scholarship Grants

Sec.
260.101 Purpose.
260.103 Definitions.
260.105 Policy.
260.107 Eligibility.
260.109 Selection.

Sec.
260.111 Responsibilities of Educational Institutions.
260.113 Responsibilities of Employing Agencies.
260.115 Equal Opportunity.
260.117 Application Procedures.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—State Education and Training Programs

Sec.
260.401 Purpose.
260.403 Policy.
260.405 Application Procedures.
260.407 Approval Criteria.
260.409 Funding and Reimbursement.
260.411 Prohibition Against Discrimination.

Subpart A—Fellowship and Scholarship Grants

Authority: 23 U.S.C. 307(a), 315, 321, and 403; and 49 CFR 1.48.

§ 260.101 Purpose.

To establish policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship and Scholarship Programs as administered by the National Highway Institute. These include the FHWA Fellowship Program in Highway Safety, the FHWA Fellowship Program in Highway Transportation Research and Education, and the FHWA Scholarship Program in Highway Technology.

§ 260.103 Definitions.

As used in this regulation, the following definitions apply:

(a) *Candidate.* One who has completed and submitted the necessary forms and documents in order to be considered for a fellowship or scholarship.

(b) *Fellowship.* The grant presented to the successful candidate's school and administered by the school to assist the candidate financially during the period of graduate study.

(c) *Scholarship.* The grant presented to the successful candidate's school and administered by the school to assist the candidate financially during the period of post-secondary study.

(d) *Living stipend.* The portion of the fellowship or scholarship grant remaining after the direct educational expenses have been deducted.

(e) *Direct educational expenses.* Those expenses directly related to attending school including tuition, student fees, books, and expendable supplies but excluding travel expenses to and from school.

(f) *Recipient.* The successful candidate receiving a fellowship or scholarship.

(g) *Employing agency.* The agency for which the candidate works. This may be either a State or local highway/transportation agency or the FHWA.

(h) *State Highway/Transportation Agency.* The agency with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the State level.

(i) *Local Highway/Transportation Agency.* The agency or metropolitan planning organization with the responsi-

bility for initiating and carrying forward a highway program or public transportation program utilizing highways at the local level, usually the city or county level.

(j) *National Highway Institute (NHI)*. The organization located within the FHWA responsible for the administration of the FHWA Fellowship and Scholarship Grant Programs.

§ 260.105 Policy.

It is the policy of the FHWA to administer, through the NHI, fellowship and scholarship grant programs to assist State and local agencies and the FHWA in developing the expertise needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of government. These programs shall provide financial support for up to 12 months of full-time or up to 24 months of part-time study in the field of highway transportation. The programs for each year shall be announced by FHWA Notices.⁴ These Notices shall contain application forms and shall announce the number of grants to be awarded and their value. These programs shall include the FHWA Fellowship Program in Highway Safety, the FHWA Fellowship Program in Highway Transportation Research and Education, and the FHWA Scholarship Program in Highway Technology.

§ 260.107 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) Candidates shall be employees of State or local highway/transportation agencies, or the FHWA, or have commitments to work for State or local highway/transportation agencies upon completion of the fellowship or scholarship study period.

(c) Candidates for the fellowship programs shall have earned Bachelor's or comparable college level degrees prior to beginning advanced studies under these programs.

(d) Candidates shall submit evidence of acceptance, or probable acceptance, for study in programs that will enhance their contributions to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(e) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notices announcing the programs each year.

(f) FHWA Employees who receive awards will be required to execute continued service agreements, consistent with the Government Employees Training Act requirements, which obligate the employees to continue to work for the agency for three times the duration of the training received.

(g) Candidates for study periods of 9 months or longer who are employees of

State or local highway/transportation agencies, shall agree, in writing, to work in public service with State or local highway/transportation agencies for at least 3 years after completing the study period, or to repay the grants or pro rata amounts of the grants. Candidates for study periods of less than 9 months who are employees of State or local highway/transportation agencies, shall enter into similar agreements to work for time periods specified in the FHWA Notice announcing the programs.

(h) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(i) Candidates employed by the FHWA may not work part-time outside of FHWA concurrent with the FHWA grant. Other candidates may work part-time and accept salary or wages while studying under these programs. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in 23 CFR 260.107(k). Funds from this grant work shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(j) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(k) Candidates shall not profit financially from FHWA grants. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount will be reduced accordingly. In cases where a candidate must relocate and maintain two households, exceptions to this condition will be considered.

(l) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.109 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community. The factors considered by the selection panel are weighted in accordance with specific program objectives.

(b) The major factors to be considered by the panel are:

(1) Candidate's potential to contribute to a public agency's transportation program,

(2) Relevance of a candidate's study program to the objective of the fellowship or scholarship program,

(3) Relevant experience, and

(4) Academic and professional achievements.

(c) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(d) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.111 Responsibilities of Educational Institutions.

(a) The college or university chosen by the grant recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university.

(b) The college or university chosen by the recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipients' rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.113 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing a statement of endorsement and information concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide backup to support its priority candidates for these programs.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and education leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards.

(c) Agencies are responsible for negotiation with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(d) Employing agencies are encouraged to publicize the availability of these grants throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA division office in their State.

(e) Employing agencies that choose to process their employees' applications are responsible for observing the cutoff date for the FHWA to receive applications. This date will be stipulated in the Notice announcing the program for each academic year.

§ 260.115 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI, Assurances Executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no ap-

⁴ The Federal Highway Notices are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

plicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied benefits of this program because of age.

(c) Agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.117 Application Procedures.

(a) The FHWA Notices announcing each year's programs and containing the application forms may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the NHL, HHL-3, FHWA, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notices announcing the programs. The cutoff date for submitting the application stipulated in the Notices should be observed.

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—State Education and Training Programs

AUTHORITY: 23 U.S.C. 315, 321(b) and 321(c).

§ 260.401 Purpose.

The purpose of this subpart is to prescribe policy and implement procedures for the administration of Federal-aid funds for inservice education and training of State and local highway department employees.

§ 260.403 Policy.

It is the policy of the Federal Highway Administration to encourage the States to fully utilize the authority contained in 23 U.S.C. 321(b) and 321(c) to provide continuing education of State and local employees engaged or to be engaged in Federal-aid highway work.

§ 260.405 Application procedures.

(a) The State in making applications for education and training funds is encouraged to establish a program, for the fiscal year, outlining the use of such funds.

(b) Application for Federal-aid funds to be used for educational and training activities must be made to the Division Administrator in one of the following ways:

(1) The State, having established its education and training goals, may submit Forms PR-1, "Federal-Aid Program

Data", for each class of funds to be utilized and Forms FHWA-1421, "Request for Use of Federal-Aid Highway Funds for Individual Education of Training" or FHWA-1422, "Request for Use of Federal-Aid Highway Funds for Group Education or Training" at the beginning of the fiscal year; or

(2) The State, having some educational and training goals but not desiring to specify individual programs, may submit Forms PR-1 for each class of funds to be utilized at the beginning of the fiscal year and Forms FHWA-1421 or FHWA-1422 on an individual basis throughout the year as the need for education and training activities arise; or

(3) The State may submit Forms PR-1 for each class of funds to be utilized and Forms FHWA-1421 or FHWA 1422 throughout the year as the need for education and training programs arise.

§ 260.407 Approval criteria.

(a) Subject to the availability of funds, as determined by the Division Administrator, the following criteria shall be observed by the Division Administrator in determining whether to approve each separate course or training proposal:

(1) The existence of a student-instructor relationship in which a planned routine of instruction will be followed training objectives.

(2) The existence of a training environment that will accomplish the training objectives.

(3) The existence of a program or schedule of planned activity to be followed.

(4) Assurance that Federal fund participation in the cost of the training will not exceed 70 percent of the cost of tuition or other direct education expenses, which expenses shall not include travel, subsistence or salaries of the trainees.

(b) The Division Administrator's approval, as indicated on the submitted forms, shall constitute his authorization to proceed with the requested training.

§ 260.409 Funding and reimbursement.

(a) Education and training funds are made available from Federal-aid funds which are designated to meet specified State needs. These classes of funds, and amounts made available from each class for education and training, are reflected by apportionment data distributed by the FHWA.

(b) Established Federal-aid reimbursement procedures will be followed by the division and State offices, including execution of a Federal-aid project agreement, FHWA Form PR-2.

§ 260.411 Prohibition against discrimination.

The Civil Rights Act of 1964 (43 U.S.C. 2000d-2000d-4), the Department of Transportation implementing regulations (49 CFR Part 21), and the State assurances executed pursuant thereto are applicable to all activities receiving financial assistance through the Federal Highway Administration.

[FR Doc.76-29300 Filed 10-5-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Oldsmar, Florida, Base Flood Elevations

On June 25, 1976, at 41 FR 26405, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Oldsmar, Florida.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Oldsmar, Florida. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 120250A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Robert L. Williams, P.O. Box 100, Oldsmar, Florida 33557.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Oldsmar, Florida Flood Insurance Rate

Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Oldsmar, Florida map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 28, 1976.

J. ROBERT HUNTER,
Federal Insurance
Administrator.

[FR Doc. 76-29349 Filed 10-5-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Bre- vard County, Florida, Base Flood Eleva- tions

On June 25, 1976, at 41 FR 26402, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Brevard County, Florida.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that modification of the base (100-year) flood elevations of some locations in Brevard County, Florida, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125092B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood eleva- tions (as on map) (MSL) (feet)	New FIA zones	New base flood elevations (MSL) (feet)
V5.....	7	V7	8

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request

through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

Mr. James Ford, Brevard County Planning and Zoning Commission, 2375 North Courtenay Parkway, Merritt Island, Florida 32952.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc. 76-29350 Filed 10-5-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Atlanta, Georgia, Base Flood Elevations

On June 25, 1976, at 41 FR 26406, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Atlanta, Georgia.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Atlanta, Georgia. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 135157A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to

calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayer Maynard Jackson, 68 Mitchell Street, Atlanta, Georgia 30303.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Atlanta, Georgia Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Atlanta, Georgia map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2639, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc. 76-29351 Filed 10-5-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Changes Made in Determinations of Alexandria, Virginia, Base Flood Elevations

On June 25, 1976, at 41 FR 26418, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Alexandria, Virginia.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Alexandria. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 515519A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. David L. Cook, Director, Department of Transportation and Environmental Services, City of Alexandria, 125 North Royal Street, Alexandria, Virginia 22314.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Alexandria Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Alexandria map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1976.

H. B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-29352 Filed 10-5-76;8:45 am]

Title 26—Internal Revenue CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. ATF-33]

PART 301—PROCEDURE AND ADMINISTRATION

PART 601—STATEMENT OF PROCEDURAL RULES

Reorganization of the Bureau of Alcohol, Tobacco and Firearms; Change of Titles

A basic reorganization of the structure of the Bureau of Alcohol, Tobacco and Firearms was announced by the Department of the Treasury on August 30, 1976. The reorganization primarily affects the

criminal enforcement function and organization of the Bureau.

One of the major features of the reorganization is elimination of the position of Regional Director and associated regional criminal enforcement staffs. The Regional Director currently functions as the Bureau's chief regional official. Accordingly, duties performed by the Regional Director will be assumed by other regional and field officials.

Furthermore, straight line management systems for regional and field functions are implemented by assigning direct line authority over:

(1) Special agents in charge to the Assistant Director (Criminal Enforcement);

(2) Regional regulatory administrators (formerly assistant regional directors, regulatory enforcement) to the Assistant Director (Regulatory Enforcement);

(3) Regional Administrative Officers to the Assistant Director (Administration); and

(4) Chiefs of Field Laboratories to the Assistant Director (Technical and Scientific Services).

Therefore, the terms "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" or "Regional Director" wherever used in Part 601 of Subchapter H shall mean the "special agent in charge" or the "regional regulatory administrator in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol and Tobacco Tax)" or "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in §§ 301.6091-1, 301.6311-1, 301.6402-2, and 301.6404-1 of Subchapter F shall mean the "regional regulatory administrator in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in §§ 301.7321-1, 301.7322-1, and 301.7328-1 of Subchapter F shall mean the "special agent in charge in the Bureau of Alcohol, Tobacco and Firearms".

The term "Assistant Regional Commissioner (Alcohol, Tobacco and Firearms)" wherever used in § 301.9000-1 of Subchapter F shall mean the "special agent in charge," the "regional regulatory administrator," the "regional administrative officer," or the "chief, field laboratory in the Bureau of Alcohol, Tobacco and Firearms".

Because this Treasury decision is administrative in nature and merely effects an internal reorganization, it is found unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

This Treasury decision will be effective December 1, 1976.

Signed: September 28, 1976.

REX D. DAVIS,
Director.

Approved: October 1, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.
[FR Doc.76-29304 Filed 10-5-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-32]

BUREAU REORGANIZATION

Change of Titles

A basic reorganization of the structure of the Bureau of Alcohol, Tobacco and Firearms was announced by the Department of the Treasury on August 30, 1976. The reorganization primarily affects the criminal enforcement function and organization of the Bureau.

One of the major features of the reorganization is elimination of the position of Regional Director and associated regional criminal enforcement staffs. The Regional Director currently functions as the Bureau's chief regional official. Accordingly, duties performed by the Regional Director will be assumed by other regional and field officials.

Furthermore, straight line management systems for regional and field functions are implemented by assigning direct authority over:

(1) Special agents in charge to the Assistant Director (Criminal Enforcement);

(2) Regional regulatory administrators (formerly assistant regional directors, regulatory enforcement)—to the Assistant Director (Regulatory Enforcement);

(3) Regional Administrative Officers to the Assistant Director (Administration); and

(4) Chiefs of Field Laboratories to the Assistant Director (Technical and Scientific Services).

Therefore, the terms "Assistant Regional Commissioner" or "Regional Director" wherever used in 27 CFR Parts 1, 4, 5, 7, 18, 170, 178, 179, 181, 186, 194, 195, 196, 197, 200, 201, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, 295, and 296 and Subpart F of Part 173 shall mean the "regional regulatory administrator".

The term "Assistant Regional Commissioner" wherever used in Subparts C and D of 27 CFR Part 173 shall mean the "special agent in charge".

The term "Regional Director" wherever used in 27 CFR Part 70 shall mean the "special agent in charge" or the "regional regulatory administrator".

The term "Regional Director" wherever used in 27 CFR Part 71 shall mean the "special agent in charge", the "regional regulatory administrator", the "regional administrative officer", or the "chief, field laboratory".

The term "Regional Director" wherever used in 27 CFR Part 72 shall mean the "regional administrative officer".

Because this Treasury decision is administrative in nature and merely effects an internal reorganization, it is found unnecessary to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b).

This Treasury decision will become effective December 1, 1976.

Signed: September 28, 1976.

REX D. DAVIS,
Director.

Approved: October 1, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-29303 Filed 10-5-76; 8:45 am]

Title 38—Pensions, Bonuses, and
Veterans' Relief

CHAPTER I—VETERANS
ADMINISTRATION

PART 36—LOAN GUARANTY

Acceptable Sale and Leasing Restrictions

On page 14198 of the FEDERAL REGISTER of April 2, 1976, there was published a notice of proposed regulatory development to amend § 36.4350(b)(5). The proposed amendment provided that a condominium estate would not fail to qualify as security for a Veterans Administration-guaranteed loan because of the existence of a restriction on leasing for periods of less than six months or a first option to purchase under certain limited conditions.

Twenty-five comments on the proposal have been received. Insofar as the restriction on leasing is concerned the comments were all generally favorable, although there were some suggestions to use a different time span. All commentators agreed that preserving the residential homeownership characteristic of individual condominiums was important and provisions which would avoid the possibility of the condominium units being used for transient or resort type hotel accommodations were desirable. Recognizing that various different time spans, whether for a shorter or longer time, all have some merit it has been determined that the original permissive restriction of prohibiting leases of less than six months without association approval will well serve the purpose of limiting the possibility of transient occupancy while at the same time not be unduly restrictive on the owner's right to use and enjoy the property. Therefore the allowable, but not mandatory, less than six-month restriction is being adopted.

On the issue of the first option to purchase there was a divergence of opinion expressed. Several writers expressed strong approval based on the high density style of living and the required ability to bear the burden of the assessments to assure the financial stability of the association. Others addressed themselves to the problem of existing condominiums whose documents contained provisions unacceptable under present regulations but which would qualify under the proposed change. These writers pointed out the impossibility from a practical viewpoint of changing existing recorded documents in many cases, primarily because of requirements for the affirmative consent of a high percentage of the unit owners. In addition, the cost and time involved may make a change

economically impracticable in some cases. Writers favored the proposed change because it would open an existing supply of housing to veterans. Several comments addressed the need to standardize the requirements of VA, Department of Housing and Urban Development, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation and others interested or concerned with financing housing units so that once a project or condominium regime qualifies for one agency's purposes it would not be subjected to conflicting requirements from some other source. It was pointed out that the proposed change would possibly be in conflict with title requirements of the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation and the Department of Housing and Urban Development. Finally, several writers stated that while the permissible first option to purchase was not on its face discriminatory, it could be used for such purposes.

In light of the cogent comments received it has been determined that the proposed amendment, insofar as it relates to the first option to purchase, should be modified. As to condominium regimes established on or after the effective date of this revision, enabling documents which contain any limitation upon a unit owner's right to convey the unit to a party of the owner's choice (right of first refusal) will preclude the condominium from qualifying for VA guaranteed financing. The VA has been assured that this provision is in line with Federal National Mortgage Association and Federal Home Loan Mortgage Corporation requirements generally and therefore reduces the possibility of conflicting requirements.

The VA is also concerned that eligible veterans should not be precluded from a currently existing inventory of available housing. As indicated, many condominiums established by documents now of record for practicable purposes cannot be changed. Many of these were established prior to VA's entry into the condominium housing field and were formed without consideration of an application being made to VA for acceptance since VA had no such program at that time. These documents, in many instances, were apparently drafted pro forma from previously used and accepted formats. To preclude this housing supply from the VA program and deny veterans the right to use their entitlement to acquire a unit from this source would, in VA's opinion, not be in the best interests of veterans. Therefore as to condominiums established by the recording to the enabling documents prior to the effective date of this revision, a first option to purchase on certain limited conditions as set forth in the revised regulation will not preclude qualifying as security for a VA guaranteed loan.

In addition, at this time VA is further amending § 36.4350 so that limitations on an owner's right to sell, other than in condominiums, will likewise cause that property to fail to qualify as security for a guaranteed or insured loan. Thus, on and after the effective date of this

amendment, all estates in real property, insofar as restrictions on the power to sell will be treated alike, i.e., no restrictions on the owner's right to sell will be acceptable.

In order to reduce any possible adverse result this change may have on documents currently in process the effective date will be December 1, 1976.

It is hereby certified that the economic and inflationary impacts of this process the effective date will be December 1, 1976.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Approved: September 30, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

In § 36.4350, paragraph (b)(5) is revised to read as follows:

§ 36.4350 Estate of veteran in real property.

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

(5) Sale and lease restrictions:

(i) Except as to condominiums, the right in any grantor or cotenant in the chain of title, or a successor of either, to purchase for cash, which right was established by an instrument recorded prior to December 1, 1976, and by the terms thereof is exercisable only if—

(a) An owner elects to sell,

(b) The option price is not less than the price at which the then owner is willing to sell to another, and

(c) Exercised within 30 days after notice is mailed by registered mail to the address of optionee last known to the then owner of the then owner's election to sell, stating the price and the identity of the proposed vendee;

(ii) A condominium estate established by the filing for record of the Master Deed, or other enabling document, on or before December 1, 1976, will not fail to comply with the requirements of paragraph (a) of this section by reason of:

(a) Prohibition against leasing a unit for a period of less than 6 months.

(b) The existence of a right of first option to purchase or right to provide a substitute buyer reserved to the condominium association provided such option or right is exercisable only if:

(1) An owner elects to sell,

(2) The option price is not less than the price at which the then owner is willing to sell to another,

(3) The terms and conditions under which the option price is to be paid are identical to or are not less favorable to the owner than the terms and conditions under which the owner was willing to sell to the owner's prospective buyer, and

(4) Notice of the association's decision to exercise the option must be mailed to the owner by registered or certified mail within 30 days after notice is mailed by

registered or certified mail to the address of the association last known to the owner of the owner's election to sell, stating the price, terms of sale, and the identity of the proposed vendee.

(5) Any property subject to a restriction on the owner's right to convey to any party of the owner's choice, which restriction is established by a document recorded on or after December 1, 1976, will not qualify as security for a guaranteed or insured loan. A prohibition or restriction on leasing an individual unit in a condominium will not cause the condominium estate to fail to qualify as security for such loan, provided the restriction is limited to periods of less than 6 months.

Provided, That the limitations on the quantum or quality of the estate or property that are indicated in this paragraph, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by 38 U.S.C. ch. 37.

[FR Doc.76-29306 Filed 10-5-76; 8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

The Postal Contracting Manual, which has been incorporated by reference in the *FEDERAL REGISTER* (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 21, dated September 13, 1976.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the *FEDERAL REGISTER* as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 19—MAIL TRANSPORTATION CONTRACTING

1. Paragraph 19-103.1 has been revised to permit deviations to mail transportation and related contractual services by the Director, Transportation Services Office.

2. Paragraph 19-117.3 has been revised: (i) To permit the Director, Transportation Services Office, to resolve disputes between regional offices; and (ii) to change the title of regional official.

3. Paragraph 19-117.5 has been revised to update delegations of authority to the Assistant Postmaster General, Logistics Department; Director, Transportation Services Office, Logistics Department; Regional General Managers, Logistics Divisions; and to change titles of regional officials.

4. Paragraph 19-117.6 has been revised: (i) To permit the Director, Transportation Services Office, to approve awards in excess of authority delegated to regional general managers and; (ii) to change titles of regional officials.

5. Paragraphs 19-117.8, 19-117.93, 19-125.1(a), 19-125.2, 19-125.3, 19-125.7, and 19-125.3 have been revised to change titles of regional officials.

6. Paragraph 19-118.11 has been revised to delete the requirement for bonding of renewal highway contracts.

7. Paragraph 19-125.3(a) has been revised to require that administrative officers advise the inspector-in-charge of nonreceipt of screening results, rather than the personnel security officer.

8. Paragraph 19-125.3(c) has been revised to restrict the authority for denying access to mail to the general manager, logistics division.

9. Paragraph 19-128.1 has been revised to require that, if a contract is bonded, a copy of any assignment or reassignment of claim be provided to the surety.

10. Paragraphs 19-125.3(b), 19-128.2 (ii) and (iii), 19-312.3-6, 19-316 through 19-316.23, and 19-317 have been revised for purposes of clarity.

11. Paragraph 19-128.2(c) has been revised to require that the next higher level of contracting authority to the contracting officer authorize subcontracts and that the contractor provide a notarized statement of the value of any equipment sold to a subcontractor.

12. Paragraph 19-130.881(M) has been revised to delete the requirement that a bid be rejected for failure by the bidder to complete and submit a cost worksheet with his bid.

13. Paragraph 19-131.23(b) has been revised to limit the circumstances under which the Assistant Postmaster General, Logistics Department, will be requested to grant approval for negotiation after advertising to those instances where he is, in fact, the next higher level of contracting authority to the contracting officer.

14. Paragraphs 19-310.6 (b), (c), and (d) have been revised to delete all references to surety bond requirements as surety bonds are no longer required for renewal contracts.

15. Paragraph 19-312.1(c) has been deleted.

16. Paragraph 19-314.2 (e), (f), 3(a) and 4(c) have been revised to delete all references to surety when contract is not bonded, as bonds are no longer required on renewal contracts.

17. Paragraphs 19-810.33 through 19-810.34 have been revised to be consistent with revised paragraph 19-132, to provide a definition of extra trips for contract air taxi service, and to establish policy and procedures for contract air taxi service.

18. Paragraphs 19-412.3-5, 19-1012.32 and .33 have been revised to be consistent with revised paragraph 19-132.

19. The following revised forms have been included in section 19. They are available from the area supply centers, and shall be used in lieu of previous editions.

(1) Form 7407, August 1976—*Basic Transportation Services Contract General Provisions*.

(2) Form 7435, August 1976—*Solicitation for Transportation Services Contract*.

(3) Form 7445, August 1976—*Inquiry Concerning Renewal of Transportation Services Contract*.

(4) Form 7451, August 1976—*Air Taxi Contract General Revisions*.

(5) Form 7456, August 1976—*Air Taxi Service Cost Worksheet*.

(6) Form 7457, August 1976—*Air Taxi Service Route Adjustment Request*.

(7) Form 7465, August 1976—*Transportation Services Subcontract*.

(8) Form 7467, August 1976—*Proposal and Contract for Emergency Service*.

(9) Form 7468, August 1976—*Transportation Service Bid and Proposal and Contract (with Bond)*.

(10) Form 7485, August 1976—*Air Taxi Contract Information and Instructions*.

(11) Current editions of the following forms have also been included:

(a) Form 7440—*Contract Route Service*.

(b) Form 7447—*Transportation Services Renewal Contract*.

(c) Form 7453—*Air Taxi Service—Aircraft Modifications*.

(d) Form 7464—*Cost Statement (Short Form—Highway Transportation Contracts)*.

The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105, effective immediately:

§ 601.105 Amendments to the Postal Contracting Manual

Amendments to postal contracting manual

Transmittal letter	Dated	FEDERAL REGISTER publication
21	Sept. 13, 1976	41 FR.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-29287 Filed 10-5-76; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations

This order extends until December 31, 1976, the application filing date contained in 43 CFR 2653.4(b) for selections pursuant to section 14(h) (1) and (2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 704).

Statement of consideration. The Alaska Federation of Natives, Inc., on behalf of the Alaska Native community, has requested a waiver of the regulations to extend the time for making selections under section 14(h) (1) and (2) of the ANCSA. The Alaska Federation of Na-

tives, Inc., made such a request in order that Native corporations may have an opportunity to correct certain section 14(h) (1) and (2) selections which were filed improperly.

The Department has studied this request and has concluded that an extension to December 31, 1976, to make, correct or modify section 14(h) (1) or (2) selections is warranted. At the time such selections are filed or refiled, land must be available for selection under section 14(h) (1) or (2) of the ANCSA and 43 CFR 2653. The filing must also be in compliance with the regulations in effect on the date of the filing. Any selection presently on file not meeting the two preceding conditions must be refiled.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0-8 and in accordance with the aforementioned conditions, that the effective date with respect to the filing deadline in 43 CFR 2653.4(b) for selections under section 14(h) (1) and (2) of the ANCSA is extended to December 31, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

SEPTEMBER 30, 1976.

[FR Doc.76-29238 Filed 10-1-76;2:20 pm]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5603]

ALASKA

Withdrawal of Lands in Aid of Legislation

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from settlement, entry, location or disposal under the public land laws, including the mining and mineral leasing laws, and from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, but not from disposal under the Alaska Native Claims Settlement Act, as amended (hereinafter referred to as the Act), and reserved for the purpose of implementing the provisions of the Act:

COPPER RIVER MERIDIAN

T. 29 S., R. 58 through 60 E.
T. 30 S., R. 58 through 60 E.
T. 31 S., R. 58 through 60 E.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior or Agriculture, as appropriate, under applicable laws and regulations and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appro-

priately classified to permit mineral leasing.

THOMAS S. KLEPPE,
Secretary of the Interior.

SEPTEMBER 30, 1976.

[FR Doc.76-29238 Filed 10-1-76;2:20 pm]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of Section 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period July 1, 1976, through September 30, 1976, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

It is hereby certified that this proposed rule has been screened pursuant to Executive Order No. 11821, and does not require an Inflationary Impact Evaluation.

Effective Date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

In § 177.4 paragraph (c) (3) (xxix) is added as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

(c)	.	.	.	.	.

(3)	.	.	.	.	.

(xxix) For the period July 1, 1976, through September 30, 1976, inclusive, a

special allowance is authorized to be paid in an amount equal to the rate of 17½ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141.)

(Catalog of Federal Domestic Assistance No. 13.469 Guaranteed Student Loan Program.)

Dated: September 27, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner
of Education.

Approved: October 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

[FR Doc.76-23302 Filed 10-5-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72-19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding (40 FR 47770; October 10, 1975), it has been determined to postpone their effective date until further order of the Commission.

By the Commission.

FRANCIS C. HURNET,
Secretary.

[FR Doc.76-23324 Filed 10-5-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Editorial Order No. 42353]

AMATEUR RADIO SERVICE

Civil Emergency Service

In the matter of editorial amendment of Parts 1, 2, and 97 of the Commission's rules concerning the Radio Amateur Civil Emergency Service (RACES). Adopted: September 29, 1976; released: October 5, 1976.

1. On February 19, 1976, the Commission released its Report and Order in Docket 19723, FCC 76-130, 41 FR 8780 (1976), substantially revising its Rules concerning the Radio Amateur Civil Emergency Service (RACES). In our Report and Order in Docket 19723 we stated we were adopting the proposals in our Notice of Proposed Rule Making in Docket 19723, FCC 73-40, 38 FR 10467 (1973), essentially as proposed, and the Report and Order did in fact adopt the proposed Rules with few, if any, changes.

2. By this Order we are amending certain other sections of Parts 1, 2, and 97 of the Rules to ensure their consistency with the new Rules concerning RACES already approved by the Commission. Specifically, in its Report and Order in Docket 19723 the Commission eliminated the requirement for filing FCC Forms 481 and 482 to obtain a RACES station authorization, and we are deleting these FCC Forms from the list of forms contained in § 1.922 of the Rules. We are also amending §§ 1.922 and 1.926 of the Rules to reflect the requirement found in § 97.173(a) of the Rules that new and renewed RACES station license applications are to be submitted on FCC Form 610-B. Our Report and Order in Docket 19723 abolished the use of tactical call signs by RACES stations, and we are therefore deleting such call signs from the list of other forms of identification of stations found in § 2.303 of the Rules.

3. In our Report and Order in Docket 19723 we made all authorized frequencies and emissions presently available to the Amateur Radio Service also available to RACES on a shared basis. The frequency limitations previously imposed on RACES operations by former § 97.193 of the Rules were made to apply only in those emergencies requiring invocation of the President's War Emergency Powers under section 606 of the Communications Act of 1934, as amended. In both the Notice of Proposed Rule Making and Report and Order in Docket 19723, however, the frequency bands 3500-3510 kHz and 3510-3516 kHz, both of which appeared in former § 97.193 of the Rules, were inadvertently omitted. We are therefore amending § 97.185 of the Rules to include these frequency bands.

4. Authority for these amendments appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended, and § 0.231 of the Commission's Rules. Because the amendments adopted herein are editorial in character, designed solely to achieve consistency in the Commission's Rules, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

5. Accordingly, in view of the foregoing, *It is ordered* That Parts 1, 2, and 97 of the Commission's Rules are amended as set forth below effective October 14, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS
COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Parts 1, 2, and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 1.922, the list of items is amended as follows:

§ 1.922 Forms to be used.

FCC form	Title
481	[Deleted]
482	[Deleted]

FCC form	Title
610-B	Application for Amateur Club, Military Recreation, or Radio Amateur Civil Emergency Service Station license.

2. In § 1.926, paragraph (b) (3) is deleted and designated [Reserved], and paragraphs (b) (1) and (b) (4) are revised as follows:

§ 1.926 Application for renewal of license.

(b) (1) Applications for renewal of an amateur operator license (with the exception of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station licenses), or a combined amateur operator/station license shall be filed on FCC Form 610.

(3) [Reserved]

(4) Applications for renewal of an amateur club, military recreation, or Radio Amateur Civil Emergency Service station license shall be filed on FCC Form 610-B.

3. In § 2.303 the table is amended as follows:

§ 2.303 Other forms of identification of stations.

Class of station	Identification other than assigned call sign
Amateur (RACES)	[Deleted]

4. In § 97.185 paragraph (b) is revised and the table is amended as follows:

§ 97.185 Frequencies available.

(b) In event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless otherwise modified or directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS	Limitations
1975-2000	1
3500-3510	1
3510-3516	4
3516-3550	2, 4
3984-4000	

[FR Doc. 76-29281 Filed 10-5-76; 8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-121]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Deputy Under Secretary

The purpose of this amendment is to delete all references to the Deputy Under Secretary for Budget and Program Review and to revise the delegations of authority to the Deputy Under Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing Part 1 of Title 49, Code of Federal Regulations is amended as follows:

1. In § 1.22, paragraph (a) is amended by deleting therefrom the term "Deputy Under Secretary for Budget and Program Review"; paragraph (b) is amended by adding at the end thereof the following new sentence: "The Office of Planning and Program Review and the Office of Budget report to the Deputy Under Secretary"; paragraph (c) is revoked; and paragraphs (d) through (j) are redesignated paragraphs (c) through (i), respectively.

2. In § 1.23(a), the second sentence is revised to read as follows: "The Deputy Under Secretary assists the Secretary and the Deputy Secretary in the performance of these responsibilities."

3. Section 1.64 is revised to read as follows:

§ 1.64 Delegations to the Deputy Under Secretary.

The Deputy Under Secretary is delegated authority to—

(a) Exercise day-to-day operating management responsibility over the Office of Planning and Program Review and the Office of Budget.

(b) Direct and manage the Departmental planning-programming-budgeting activities.

(c) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(d) Issue allotments or allocations of funds to components of the Department.

(e) Authorize and approve official travel and transportation for himself and staff members of the Immediate Office of the Secretary, including authority to sign and approve related travel orders and travel vouchers, but not including requests for overseas travel.

(f) Issue monetary authorizations for use of reception and representation funds.

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

4. Appendix A of Title 49, Code of Federal Regulations, is amended by deleting the words "for Budget and Program Review" following the words "The Deputy Under Secretary" in section 1 thereof.

Effective date: This amendment is effective October 6, 1976.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on October 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29385 Filed 10-5-76;8:45 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSFC-5, Notice 2]

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

Initial Periodic Inspection of Railroad Freight Cars

On May 6, 1976, a notice of proposed rulemaking (NPRM) was published in the *FEDERAL REGISTER* (41 FR 18685) stating that the Federal Railroad Administration (FRA) was considering an amendment to Part 215, Freight Car Safety Standards. The proposed amendment would extend the period allowed for completion of the initial periodic inspection of freight cars required by § 215.25 of the standards (49 CFR 215.25) and make conforming amendments to related sections.

Interested persons were invited to participate in the rulemaking proceeding by submitting written comments before June 30, 1976. Twenty-four commenters, representing various trade associations, private owners of freight cars, lessees of privately owned freight cars and shippers responded to this notice. The written comments generally voiced support for the concept of extending the period allowed for completing these initial inspections but the commenters did raise a number of issues concerning certain aspects of the FRA proposal. These issues will be discussed in the context of the relevant regulatory provision. After considering all of these comments, FRA has decided that the proposed amendment should be adopted with some changes.

The Administrator has evaluated the adoption of this regulation in accordance with the policies of the Department of Transportation which were stated in the public notice published on April 16, 1976, in the *FEDERAL REGISTER* (41 FR 16200). The purpose for amending this regulation, as noted in the notice of proposed rulemaking, was to respond to problems being encountered by various parties that were attempting to complete the initial periodic inspection within the current time constraints of the existing

regulation. The amendments being adopted, which only serve to provide additional time to accomplish this task, will not alter in any significant fashion the costs or benefits associated with the existing regulation. Therefore, the Administrator has determined that the adoption of these amendments will have such a minimal impact that an evaluation of the effects of this regulation is not warranted.

In the NPRM, FRA proposed that the completion for the initial periodic inspection of freight cars would be extended for two years until December 31, 1978, except for specified equipment which would receive only a one year extension of the completion date. The comments, which FRA received, raised issues concerning both the one and two year provisions.

A variety of commenters objected that this two year extension would not provide for a uniform application of these regulations to all freight car owners. The private owners of freight cars, the lessees of privately owned freight cars, four trade associations and a shipper contended that a four year extension of time is needed. These commenters noted that only a small percentage of this segment of the freight car fleet has been inspected to date. In their view that situation has been caused by the unwillingness of the railroads to inspect privately owned freight cars until the railroads have inspected their own freight cars and the absence of authorized contract or private shop facilities which could perform periodic inspection work. Consequently, these parties argue that they will have only a two year time period to accomplish the same type of workload that the railroads have been able to spread over a four year time period. These parties expressed concern that a disastrous disruption of the normal distribution of numerous commodities, particularly those transported by tank car, will occur unless FRA provides an additional two year extension to the current proposal.

The FRA addressed this issue in the preamble to the NPRM and has again considered these arguments. FRA still believes that only a two year extension of the date within which freight cars must receive their initial periodic inspection is warranted. In reaching this conclusion FRA has noted that the commenters, who advocated a four year extension and detailed their ownership, indicated that they own or control approximately 26,000 freight cars in a fleet of privately owned freight cars that numbers about 300,000 cars. Furthermore, two commenters from this group, a major chemical company and an owner of a small fleet of tank cars, specifically advised that they intend and expect to complete the required inspection within the time frame proposed in the notice. FRA has decided therefore, to adopt the two year extension proposed in the notice.

Three of the commenters who responded to this notice included in their comments requests for a limited waiver

of the provision requiring that freight cars receive their initial periodic inspection. These commenters indicated that they would be unable to complete their required inspection work under the current regulatory provision or the proposed change. FRA will respond to these requests by treating these comments as petitions for a waiver filed in accordance with 49 CFR Part 211. After providing for a public notice concerning each request, FRA will determine whether the public interest is served by granting a waiver and whether such a waiver is consistent with railroad safety.

In the NPRM, FRA also proposed that the completion date for initial periodic inspection of certain freight cars would be extended until December 31, 1977. This proposal, which would provide only a one year extension for freight cars built prior to January 1, 1957 and for cars used to transport materials assigned the class of "Flammable Gas", "Poison A" or "Class A Explosive", was the subject of a wide variety of comments.

The portion of the proposed change that would require cars built prior to January 1, 1957 to receive their initial periodic inspection before December 31, 1977 was objected to by five commenters. In general the commenters urged that no differentiation should be made between cars that are twenty or more years of age and those that are newer for the purpose of this regulatory provision. The commenters expressed concern that this provision, if adopted, could adversely affect the ability of the industry to accomplish the inspection of the entire fleet of freight cars since it would mean that two periodic inspection programs must be undertaken. These commenters also are concerned that this approach could result in higher utilization of the older, less efficient, cars which generally have lower capacity and less specialized equipment. The commenters noted that the newer cars are carrying the bulk of the freight, whereas the older cars are stored until the volume of traffic rises to such a level that these cars are needed for service.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Flammable Gas" was objected to by eleven commenters. These commenters noted that the tank cars used to transport the materials in this category generally have not been receiving the required periodic inspection since these cars are generally privately owned. As noted above there are several related reasons for the fact that only a small percentage of privately owned freight cars have been inspected to date. The commenters indicate that it will not be possible to accomplish the inspection of these tank cars in this time frame. Furthermore, even an attempt to comply will result in enormous disruption of the normal distribution of the type of commodities carried by these cars since there are often no other cars available to take the place of these specialized cars when they currently are removed from service.

for repair or inspection work. Many of these commenters indicated that in their judgment a four year extension is warranted for all private cars in general and these tank cars in particular. Several commenters expressed agreement with the concept that these cars should be examined on a priority basis and two commenters specifically endorsed the FRA proposal.

The portion of the proposed change that would require cars used to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" was endorsed by four commenters. No commenters objected to this requirement.

After considering all of these comments FRA has decided to delete from the final rule that portion of the proposed rule which would have required that cars built prior to January 1, 1957 receive their initial periodic inspection before December 31, 1977. FRA has also decided to delete from the final rule the similar portion of the proposed rule that applied to freight cars used to transport "Flammable Gas". FRA stated in the NPRM that it was aware of the problems faced by the private car owners and lessees. That problem appears to be of sufficient magnitude to warrant providing a full two years for the completion of inspection effort on freight cars used to transport commodities assigned the hazard class of "Flammable Gas". Likewise, FRA has accepted the opinion of the commenters that differentiation between the deadlines for inspection of 20 year old cars and newer cars could impair the inspection of the entire fleet. Nevertheless, FRA encourages the owners of the two classes of cars to give high priority in scheduling this equipment for the initial periodic inspection.

The FRA has retained in the final rule, the portion of the proposed rule which requires that after December 31, 1977, cars used to transport materials assigned the hazard class of "Poison A" and "Class A Explosive" must be cars that have received their initial periodic inspection.

In summary, no new issues have been raised by the commenters. Each of the issues was basically covered by the notice of proposed rulemaking. The modifications of the proposed rule which will delete the portions of the proposal that were particularly troublesome to the commenters and the resolution of the problems surrounding the periodic inspection of privately owned freight cars should permit the completion of all initial periodic inspections before January 1, 1979.

In consideration of the foregoing, Chapter II to Title 49, Code of Federal Regulations, Part 215 is amended as follows:

1. By revising the introductory portion of paragraph (b), paragraph (c) (7) and paragraph (e) (1) (i) of § 215.11 to read as follows:

§ 215.11 Stenciling.

(b) After December 31, 1974, each railroad freight car described in § 215.225

(a) which has received its initial periodic inspection under § 215.25 or which the railroad knows, or has notice, that it is described under § 215.225, and after December 31, 1978, every car described in § 215.225(a), must be stenciled or otherwise display in clearly legible letters on each side as follows:

(c) * * *

(7) After December 31, 1978, except for a car originally constructed or reconditioned within the period required by § 215.25 for periodic inspection, the symbol "INSP" followed by—

(e) * * *

(1) * * *

(i) After December 31, 1978, inspected as prescribed by § 215.27 unless stenciling or other display under paragraph (c) (7) of this section indicates that the car otherwise complies with the inspection requirements of § 215.25; and

2. By revising § 215.25 to read as follows:

§ 215.25 Periodic inspection required.

(a) After December 31, 1977, a railroad may not operate a railroad freight car to transport materials assigned the hazard class of "Poison A" or "Class A Explosive" in § 172.101 of Chapter I of this title unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000 miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(c) (6).

(b) After December 31, 1978, a railroad may not operate a railroad freight car unless—

(1) In the case of cars other than high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 48 months or was originally constructed or reconditioned within the preceding 96 months; and

(2) In the case of high utilization cars, the car was inspected as prescribed by § 215.27 within the preceding 12 months or was originally constructed or reconditioned within the preceding 24 months. However, a high utilization car for which a railroad maintains and makes available to the Federal Railroad Administration a mileage record sufficient to show that the car traveled less than 25,000

miles during the preceding 12 months may be operated if that car meets the inspection requirements of paragraph (a) (1) of this section and is stenciled in accordance with § 215.11(a) (6).

(c) For the purpose of this section, a "high utilization car" is a car—

(1) Specifically equipped to carry trucks, automobiles, containers, trailers, or removable trailer bodies for the transportation of freight; or

(2) Assigned to a train which operates in a continuous round trip cycle between the same two points.

(d) Before June 1, 1974, each railroad that is in operation on January 1, 1974, and has in service railroad freight cars to which this part applies shall submit to the Federal Railroad Administrator for approval under § 215.29 three copies of a program to bring all those cars into compliance with paragraphs (a) and (b) of this section by January 1, 1977. Each railroad that commences operations after January 1, 1974, shall submit a program to the Administrator for approval at least 90 days before the date it commences operations. Each program submitted to the Administrator for approval must include procedures to be followed by inspection personnel to assure compliance with all applicable requirements of this part.

3. By revising § 215.223(c) to read as follows:

§ 215.223 Prohibited cars.

(c) December 31, 1978.

4. By revising the introductory portion of paragraph (b) of § 215.225 to read as follows:

§ 215.225 Restricted cars.

(b) Subject to the requirements of paragraph (d) of this section, a railroad may operate railroad freight cars described in paragraph (a) of this section only under conditions approved by the Federal Railroad Administrator, after December 31, 1974, if the car has received its initial periodic inspection under § 215.25 or the railroad knows or has notice that the car is equipped with the design or component; or December 31, 1978. Petitions for approval must be submitted to the Administrator in triplicate at least 90 days before the date the approval is requested to become effective. Each petition for approval must state:

(Sec. 202, 84 Stat. 971, (45 U.S.C. 431) and § 1.49(n) of the regulations of the Secretary of Transportation 49 CFR 1.49(n).)

This amendment is effective November 15, 1976.

Issued in Washington, D.C., on September 29, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-29242 Filed 10-5-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Ex Parte No. 285; Investigation and Suspension Docket No. 8701]

PART 1254—MAINTENANCE OF RECORDS PERTAINING TO DEMURRAGE, DETENTION, AND OTHER RELATED ACCESSORIAL CHARGES BY RAIL COMMON CARRIERS OF PROPERTY

Notification of Unloaded Car, by Consignee to Railroad

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of September 1976.

Upon consideration of the record in the title proceeding, including the Notice of Proposed Rulemaking and Order of July 24, 1972 (37 FR 18085), the statements of facts, arguments, and views filed by respondent railroads and their agents, by the Bureau of Enforcement of this Commission, and by interested persons including weighing, inspection and demurrage bureaus, shippers, and governmental agencies, and the replies thereto; and upon consideration of the record in the embraced proceeding including the report and order of the Commission entered December 3, 1972, and the order entered October 10, 1973;

It appearing, That the rule proposed in the embraced proceeding and currently effective, as amended herein, has been shown to be just and reasonable;

It further appearing, That in view of the evidence, including the proposed amendment to the tariff proposal at issue in Investigation and Suspension Docket No. 8701, *supra*, which is fully discussed in our report entered on the same date as this order and made a part hereof, and for the reasons stated in said report, certain regulations should be prescribed and the embraced proceeding should be discontinued;

Wherefore:

It is ordered, That Subchapter C, Chapter X, Title 49 of the Code of Federal Regulations be, and it is hereby, amended by the addition of Part 1254 as set forth below.

It is further ordered, That the respondents in the embraced proceeding be, and they are hereby, notified and required to cancel the schedules under investigation herein on or before 45 days from the date of service of this order, upon not less than 1 day's notice to this Commission and to the general public by filing and posting in the manner prescribed by the Commission under section 6 of the Interstate Commerce Act, without prejudice to the filing upon not less than 15 days' notice of schedules in conformity with the findings herein.

It is further ordered, That this order shall become effective 30 days from the date of service, and shall remain in full force and effect until modified or revoked in whole or in part by further order of the Commission.

It is further ordered, That compliance with the regulations prescribed herein shall be within 90 days from the service date of this order;

It is further ordered, That a copy of this order shall be served on all parties hereto.

It is further ordered, That the regulations adopted herein be published in the FEDERAL REGISTER and in the Code of Federal Regulations.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Amend Title 49 of the Code of Federal Regulations, Chapter X, Subchapter C, by adding new Part 1254 as follows:

Sec.

- 1254.01 General applicability.
- 1254.02 Records pertaining to freight cars.
- 1254.03 Demurrage and other detention of railroad freight cars.
- 1254.04 Disability rule.
- 1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flat-car rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.
- 1254.06 Exceptions.

AUTHORITY: The provisions of this Part 1254 are issued under 49 U.S.C. 1(4), 1(5), 1(6), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4), 15(1), 20(1), 20(5), and 20(8), and 5 U.S.C. 553 and 559.

§ 1254.01 General applicability.

The rules and regulations of this part apply to demurrage, detention, and other related accessorial services for which rules, rates, or charges are named by common carriers of property by railroad in tariffs lawfully on file with the Interstate Commerce Commission.

§ 1254.02 Records pertaining to freight cars.

Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain for each open station at which freight cars are loaded, unloaded, or held awaiting instructions from the shipper, records of all movements of freight cars which will readily show, with respect to each shipment, sufficient information to assess applicable freight charges and charges for detention, demurrage, storage, switching, weighing, inspection, car rental, refrigeration, whether included in regular detention, demurrage, storage, switching, rately stated, stopoff, reconsigning, or diversion charges, loading charges, and charges for other accessorial services, and support the granting of special allowances to shippers when such allowances are authorized by tariffs lawfully in effect. The above-described records

shall be separately maintained for each base station and for each satellite or nonagency station assigned to it.

§ 1254.03 Demurrage and other detention of railroad freight cars.

(a) *Car report.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, on a daily basis, a report which shall contain the following information:

- (1) the date and time cars are placed at or removed from tracks serving each industry location of each consignor or consignee, including but not limited to industrial sidings, industrial interchange tracks, and public delivery (team) tracks;
- (2) the engine number or train identification;
- (3) the name of the employee making the report;
- (4) the initial and number of each railroad freight car, and whether it was loaded or empty at the time placed or removed;
- (5) whether each car was placed or removed; and
- (6) the identification, by name or number, of each siding or team track and the spot location thereon.

The original of the report shall be forwarded at the end of each day to the employee or office maintaining demurrage records. This report need not be made by a terminal carrier acting as agent for a line-haul carrier provided that the report is made by the line-haul carrier.

(b) *Track checks.* Every common carrier by railroad subject to the Interstate Commerce Act shall cause to be made, by a qualified employee or agent, spot track checks. Track checks shall include a visual inspection which shall be made as near to 7:00 a.m. as possible, but not before, and which shall be completed by 11:59 a.m. Track checks shall be made of all locations at which cars are loaded, unloaded, or held awaiting instructions from shippers, including, but not limited to, industry sidings, industrial interchange tracks, holding tracks, inspection tracks, and public delivery (team) tracks. The following information shall be recorded and maintained:

- (1) the date and time the track check is made;
- (2) the name of the station;
- (3) the name of the employee performing the check;
- (4) the identification, by name or number, of each siding or track checked;
- (5) the initial and number of each railroad freight car checked; and
- (6) the status of the car at the time checked; that is, whether loaded, partially loaded or unloaded, or empty, and whether located (spotted) at a position accessible for loading or unloading.

Track checks shall be made on a regular basis but not in the same routine manner so that consignees and consignors can anticipate when they will be made. Track checks shall be made as frequently as is necessary to assure that sufficient information is available to the carrier to enable it to assess and collect all appli-

cable charges and to assure the accuracy of information gathered and maintained in any automated or other data system.

(c) *Notification of unloading.* When a shipper or consignee furnishes notification to the carrier that a car is unloaded and available to the railroad and tariff provisions which provide that cars may be released from demurrage by means of telephone notification are lawfully on file with the Interstate Commerce Commission, the carrier shall record the following information with respect to each car released from demurrage by telephone notification:

- (1) Name of shipper or consignee;
- (2) Name of shipper's or consignee's employee giving such notification;
- (3) Name of the carrier's employee receiving the notification;
- (4) Car initial and number;
- (5) Date and time notification is given to the railroad.

(d) *Notification of arrival, actual placement, or constructive placement.* Notification of arrival, actual placement, or constructive placement shall be given in writing by the carrier to the shipper or consignee with a copy thereof retained by the carrier. If by tariff exception, a carrier provides for telephone notification of arrival, actual placement, or constructive placement of cars instead of written notification, the carrier shall maintain a record of the said telephone notification which shall include the following information:

- (1) Name of the carrier's employee giving such notification;
- (2) Name of the shipper or consignee receiving such notification;
- (3) Name of the shipper's or consignee's employee receiving the notification;
- (4) Car initial and number;
- (5) Date and time notification is given to the shipper or consignee.

(e) *Car orders.* Car orders shall be recorded by the carriers in the manner required by rule 15 of the Code of Car Service Rules as prescribed by this Commission in Ex Parte No. 241 (49 CFR 1033.15). Where the carrier accepts written car orders from shippers, unsigned or undated car orders shall not be accepted.

(f) *Straight plan demurrage record.* A straight plan demurrage record shall be made by the carrier to record the status of all cars located within the jurisdiction of each agency station, except as otherwise provided in rules 1254.03 (g) and (h).

(g) *Average agreement demurrage record.* An average agreement demurrage record shall be kept by the carrier to record the status of all cars located within the jurisdiction of each agency station where prior average agreement contracts have been entered into between consignees or consignors, as the case may be, and the carrier pursuant to the provisions of applicable tariffs lawfully on file with this Commission.

(h) *Special detention records.* Special detention records shall be made by the carrier wherever special detention rules are named as an exception to the general

demurrage rules in applicable tariffs governing the application of a particular rate or charge on a specific type of freight shipment.

(i) *Recording of tariff authority for special charges.* All shipping orders, bills of lading, waybills, and freight bills covering shipments subject to special detention rules, mechanical refrigeration charges, or other charges based on the detention of freight cars shall include a reference to the applicable tariff and item numbers naming the detention or refrigeration charges. The carrier shall record these references on the indicated documents at the time the shipment originates, if liability for such charges is known at that time. If the carrier does not know whether shipments will be subject to such charges at the point of origin, but liability therefore should subsequently arise, the carrier shall at that later time enter the applicable tariff references on the bills of lading or other shipping documents prepared at origin, or alternatively, shall execute and complete whatever supplemental documentation and billing is necessary to insure the assessment and collection of these charges, and shall indicate thereon the applicable tariff and item numbers on which such charges are based, in the manner prescribed in this rule.

(j) *Presentation of demurrage, detention, or refrigeration bills.* All bills for demurrage assessed against cars subject to straight plan demurrage, special detention, or refrigeration services computed on a time basis, shall be presented within 48 hours, exclusive of Saturdays, Sundays, and holidays, of the release of the individual cars. All bills for demurrage assessed on an average agreement basis shall be presented within 15 calendar days of the close of the month during which the demurrage accrued.

(k) *Preparation of bills at central points.* When carriers prepare bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stopoff, reconsigning, diversion, loading, or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at central billing or accounting points, copies of such bills or allowances shall be maintained by the carrier, and shall be available for inspection, at the same location at which are also maintained all other reports and records required to be made and maintained under this part.

§ 1254.04 Disability rule.

Common carriers of property by railroad subject to the jurisdiction of the Interstate Commerce Act shall make no allowance for weather interference, carrier or shipper error, strike interference, frozen or congealed lading, bunching of cars, runaround, or other disability conditions unless a claim is made therefor in writing by the consignor or consignee, as the case may be, and then only in compliance with the provisions of applicable tariffs lawfully filed with this Commission. Under no circumstances shall any

such allowance be made or given unless the claim therefor is approved in writing by the officer of the carrier responsible for the proper assessment and/or collection of demurrage or other detention charges, or his authorized agent.

§ 1254.05 Detention of highway trailers and containers when moving on trailer-on-flatcar or container-on-flatcar rates or charges named in tariffs lawfully on file with the Interstate Commerce Commission.

Every common carrier of property by railroad subject to the Interstate Commerce Act shall make and maintain at each carrier facility where either highway trailers or containers transported in trailer-on-flatcar service (TOFC) or container-on-flatcar service (COFC) are received or delivered to shippers, shippers' agents, freight forwarders, or are exchanged or interchanged with either private, contract, or common motor carriers, including local drayage or cartage motor carriers, or by highway with other railroads, a record of all movements of highway trailers or containers which will readily show, with respect to each shipment, the information necessary to assess applicable freight charges and charges for detention; trailer-yard storage; drayage; trailer or container rentals; refrigeration, whether included in regular detention charges or separately stated; split pickup or delivery; delivery service; helper service; and other accessorial services.

§ 1254.06 Exceptions.

Nothing in this part shall apply to cars moving subject to Freight Tariff No. 8 Series (car demurrage rules on cars at coal mines); cars handled at ocean or Great Lakes ports when moving subject to special port demurrage rules named in tariffs lawfully on file with this Commission; nor on cars moving subject to Item 30 Series of General Car Demurrage Tariff No. 4 Series.

[FR Doc.76-29371 Filed 10-5-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Barnegat National Wildlife Refuge, New Jersey, to Hunting of Migratory Game Birds

On August 27, 1976, there was published in the FEDERAL REGISTER (41 FR 36211) a notice of proposed rulemaking adding Barnegat National Wildlife Refuge, New Jersey, to the list of refuge areas which are open for the hunting of migratory game birds. This list is published at 50 CFR 32.11. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that the opening of Barnegat National Wildlife Refuge to public hunt-

ing would not be contrary to the provisions of law applicable to the area, would be compatible with the principles of sound wildlife management, would be in the public interest and would not be detrimental to the objectives for which the area was established.

The public was provided a 30-day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

Two comments were received on the proposed rulemaking. One comment strongly supported the proposal. The other letter opposing the proposed hunt, expressed several concerns.

The two major concerns were: The conflicts with other public use activities and the potential killing and wounding of nongame species, especially raptors.

The Service has determined that the zoning by space and time requirements of various public use activities, reduces the conflicts to generally acceptable levels. The killing and wounding of nongame species is recognized. However, the loss of an individual or individuals of protected species results in only the temporary reduction in the population, and there are not known cases where regulations permitting migratory bird hunting have resulted in the long-term decrease in a protected species population level.

The number of endangered birds killed by migratory bird hunters is unknown; however, some loss is assumed to result from their activity because of known losses in intensively monitored species. From this information and with normal losses due to natural causes, it is concluded that losses from hunters are not likely to affect long-term perpetuation of any endangered species.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that the hunting of migratory game birds on Barnegat National Wildlife Refuge, New Jersey, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2) (C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the time limitations involved with the rapid approach of the State hunting season which opens October 9, and that it would be contrary to the public interest to delay the opening of the refuge, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d) (3) of the Administrative Procedure Act to expedite the implementation of this rulemaking. Therefore, this rule will become effective on October 9, 1976.

Accordingly, the proposed rule is hereby adopted without change and § 32.11 is amended as set forth below:

§ 32.11 List of open areas; migratory game birds.

NEW JERSEY

BARNEGAT NATIONAL WILDLIFE REFUGE

Effective Date: October 9, 1976.

Dated: October 1, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and
Wildlife Service.

[FR Doc.76-29285 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on October 6, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 6 through December 5, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as "Area A" which are available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah, 84138. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) *Steel shot.* The exclusive use of steel shot is required on all days in Area "A" for the entire season. Possession of lead shot on the refuge hunting area is prohibited.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of roadways.

(3) *Hunter Check Station.* Each hunter who enters Area "A" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of Travel.* To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1976.

NED I. PEABODY,
Refuge Manager, Bear River
Migratory Bird Refuge, Brigham
City, Utah.

SEPTEMBER 29, 1976.

[FR Doc.76-29295 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Wassaw Island National Wildlife Refuge,
Georgia

The following special regulations are issued and are effective on November 11, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.
GEORGIA

WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer and raccoon on Wassaw Island National Wildlife Refuge, Georgia, is permitted on the area designated as Wassaw Island proper excluding that area known as the "Home Parcel." This open area, comprising 1,705 acres, is delineated on a map available at Refuge Headquarters, Route 1, Hardeeville, South Carolina 29927, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer and raccoon, subject to the following special conditions:

(1) *Season:* November 11, 12, and 13, 1976.

(2) *Bag limit:* Two deer of either sex.

(3) *During the periods from daylight to 9:30 a.m. and from 3:30 p.m. until sunset daily all hunters must remain on stands.*

(4) *Weapons:* Archery equipment in accordance with State regulations. Firearms prohibited.

(5) *Dogs are prohibited.*

(6) *Camping and fires authorized only in designated area on Pine Island.*

(7) *Permit holders must check in at Wassaw Refuge Headquarters and leave their boats at the refuge dock.*

(8) *The refuge will be closed to all forms of public use except hunting from November 11-13, 1976.*

(9) *Participants may not enter the refuge more than one day prior to the hunt. Hunters will be restricted to the camping area until the morning of November 11, 1976.*

(10) *Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.*

(11) *Blazing, driving spikes in, painting, applying tape to, or damaging trees and shrubbery in any manner is prohibited. Hunting stands which will damage trees are not allowed.*

(12) *A refuge permit is required to hunt and camp. Permits are non-transferable.*

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part

32, and are effective through November 13, 1976.

CRAYTON J. LANKFORD,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 28, 1976.

[FR Doc.76-29293 Filed 10-5-76;8:45 am]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on October 6, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84138. Sport fishing extends from January 1 through December 31, 1977, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

NED I. PEABODY,
Refuge Manager, Bear River
Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 29, 1976.

[FR Doc.76-29294 Filed 10-5-76;8:45 am]

PART 32—HUNTING

Barnegat National Wildlife Refuge, N.J.

The following special regulations are issued and are effective from October 6, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BARNEGAT NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl and coots on the Barnegat National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated on maps available at refuge headquarters,

Oceanville, New Jersey, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) On opening days, Saturdays and holidays a Federal permit will be required.

(2) No permanent blinds or pit blinds may be constructed.

(3) The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

(4) Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

G. C. BALZER, Jr.,
Acting Regional Director, U.S.
Fish and Wildlife Service.

SEPTEMBER 24, 1976.

[FR Doc.76-29608 Filed 10-5-76;12:05 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Opening of Hillside National Wildlife Refuge, Mississippi, to Hunting of Upland Game

Notice is hereby given that it is proposed that 50 CFR Part 32 be amended by the addition of the Hillside National Wildlife Refuge, Mississippi, to the list of refuge areas open for the hunting of upland game, which is published at 50 CFR 32.21.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director may open refuge areas to public hunting upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest and that such use is compatible with the major purposes for which such areas were established. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulations. It is the purpose of this rulemaking to allow the hunting of upland game on Hillside National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major federal action significantly affecting the human environment. A copy of this assessment is available at the address below.

Special circumstances are involved in the promulgation of this rulemaking which limit the time which the Service can allow for public comment. Specifically, because of budget limitations, the refuge was only recently posted and the public informed through news releases that the area was closed to trespass. It was not intended, however, to permanently close the area to regulated use such as the proposed hunting program. The State upland game season begins October 2, 1976. The proposed hunt appears to be noncontroversial and is strongly supported by the State. The Service has determined that it would be contrary to the public interest to delay the opening any longer than necessary and the comment period is therefore shortened to 10 days.

Nevertheless, it is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions or objections regarding the proposal to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, by October 11, 1976. All relevant comments received will be considered by the Director prior to the issuance of a final rulemaking.

Accordingly, it is proposed to amend § 32.21 in Title 50 of the Code of Federal Regulations as set forth below:

§ 32.21 List of open areas; upland game. MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

Dated: October 1, 1976.

LYNN A. GREENWALT,
Director,

U.S. Fish and Wildlife Service.

[FR Doc.76-29286 Filed 10-5-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMAL PROTECTION ACT OF 1972

Definition of "Optimum Sustainable Population"

The National Marine Fisheries Service has recently completed extensive consultations with persons knowledgeable in the field of population dynamics, both within and without the Agency, and as a result of such consultation, proposes to clarify the term "optimum sustainable population," appearing in section 3(9) of the Marine Mammal Protection Act, by amending its regulations as follows.

Accordingly, it is proposed to amend § 216.3 of 50 CFR, Chapter II by adding the following after the definition of "native village or town" and before the definition of "pregnant": "Optimum sustainable population" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element. "Optimum sustainable population" is a range of population sizes between that population at which a given stock or species realizes its maximum net productivity and that population which is the largest supportable on the average within the ecosystem.

Net productivity is the difference between reproduction and natural mortality. Maximum net productivity occurs at that population level at which the given stock or species adds the maximum number of animals to the population on a sustainable basis.

Public comment on this proposal may be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. Comments received on or before November 5, 1976, will be considered before the proposal is adopted as final.

Dated: September 30, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

[FR Doc. 76-23263 Filed 10-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 50]

[EPL 625-1]

MEASUREMENT OF PHOTOCHEMICAL OXIDANTS IN THE ATMOSPHERE

Calibration of Reference Methods

The Environmental Protection Agency (EPA) is considering proposal of certain amendments to Appendix D of 40 CFR Part 50, which specifies a measurement principle and calibration procedure for the measurement of photochemical oxidants in the atmosphere. Specifically in question is the prescribed calibration procedure, which is based on determination of ozone (O_3) with 1% neutral-buffered potassium iodide (NBKI). Subsequent to the promulgation of this calibration procedure on April 30, 1971 (36 FR 8186), evidence has accumulated which indicates that there are shortcomings with the NBKI procedure as presently specified, and that a revised version of the potassium iodide procedure or one or more other calibration procedures may be substantially superior to the current procedure. Accordingly, EPA intends to study and evaluate several alternative procedures for calibration of reference methods for photochemical oxidants (see Appendix A to this notice). If the results of these evaluations so indicate, EPA further intends to amend Appendix D of 40 CFR Part 50 to revise the NBKI procedure or to replace it with one or more alternative procedures. Technically, this would constitute a partial "supersession" of reference methods for photochemical oxidants under 40 CFR 53.16 ("Supersession of Reference Methods"), promulgated on March 17, 1976 (41 FR 11252). This course of action and the reasons for it are explained

more fully below. Comments on any aspect of this matter are solicited. Note that the following is not proposed rule-making, but merely an advance notice of intent; if rulemaking appears to be appropriate, a notice of proposed rule-making will be published in a later issue of the *FEDERAL REGISTER*.

BACKGROUND

When EPA first promulgated the regulations now codified as 40 CFR Part 50 on April 30, 1971 (36 FR 8186), the NBKI calibration procedure specified in Appendix D to that part was considered to be the best available procedure for calibration of methods for measuring photochemical oxidants. Since then, considerable evidence has accumulated to indicate that the NBKI procedure, particularly when used under typical field conditions, results in significant degrees of bias, variability, or both. For example, in June 1974 the "California Air Resources Board Bulletin" (1) reported discrepancies of 25-35% between a 2% NBKI procedure (similar to the EPA-specified 1% NBKI procedure) and a 2% unbuffered potassium iodide titrimetric procedure. This led directly to other studies by EPA (2,3) and the California Air Resources Board (4) which indicated discrepancies and considerable variability between the 1% NBKI procedure and newly developed procedures based on gas phase titration (GPT) and ultraviolet absorption (UV).

As a result of these and other findings, a critical evaluation of the 1% NBKI procedure was conducted by EPA (5). The results indicated the procedure to be vulnerable to error in three major areas: (1) Type of absorber used, (2) purity of potassium iodide, and (3) time for maximum color development. These systematic errors can result in inter-laboratory method variability as suggested by the results of an earlier collaborative study (6) in which a significant negative bias of 16 to 37 percent was reported.

Another possible source of the variability observed was identified as ambiguities in the description of the NBKI procedure as it appears in Appendix D of 40 CFR Part 50. In an effort to reduce variability due to this cause, EPA prepared and distributed through its Regional Offices a memorandum dated April 14, 1975, entitled "Clarification of Reference Method for Photochemical Oxidants." (7) In general, this memorandum was not intended to revise the procedure specified in Appendix D but simply to set forth EPA's interpretation of ambiguous provisions in Appendix D, to offer technical guidance on some points not explicitly addressed in Appendix D, and in these ways to help users obtain more uniform, precise, and accurate results with the procedure. For the convenience of users who wish to be guided by the memorandum pending the eventual revision or replacement of the NBKI procedure contemplated by this notice, interpretive and technical guidance based on this memorandum appears in Attachment B of this Notice. Although

better results can be obtained with the current NBKI procedure by following the guidance provided in Appendix B of this notice, the procedure still appears to have considerable variability, particularly when used under typical field conditions. This variability limits the accuracy and precision of analyzers calibrated with the NBKI procedure and suggests the desirability of revising it or replacing it with one or more superior procedures.

It should be emphasized that EPA believes the problems discussed above are due specifically to deficiencies in the NBKI calibration procedure and not to deficiencies in the measurement principle (chemiluminescent reaction of O_3 with ethylene) specified in 40 CFR Part 50, Appendix D. Any comments suggesting replacement of that measurement principle should be directed to EPA in accordance with 40 CFR 53.16, promulgated March 17, 1976 (41 FR 11252), entitled "Supersession of Reference Methods."

OZONE CALIBRATION STANDARDS

Calibration of O_3 analyzers is complicated by the lack of Standard Reference Materials (SRM's) for O_3 analogous to those available from and certified by the National Bureau of Standards for sulfur dioxide (SO_2), nitric oxide (NO), and carbon monoxide (CO). The instability of O_3 prohibits the storage of O_3 standards for any practical length of time. Therefore, standard samples of O_3 in air for calibration of O_3 analyzers must be generated and analyzed at the time and place of use. Typically, O_3 concentrations are generated by means of a stable O_3 generator. These concentrations are assayed by some technique to determine the magnitude of the O_3 concentration and then used to calibrate the analyzer. The O_3 assay procedure may be based on one of several different primary standards. In the case of the NBKI procedure, the primary standard is arsenious oxide. Gas phase titration (GPT) procedures (see Attachment A) are based on an NO standard traceable to an NO SRM. Ultraviolet (UV) absorption procedures (At-

tachment A) are based on the well-established absorption coefficient of ozone at 254 nm.

Ideally, an O_3 analyzer should be calibrated in accordance with a procedure such as one of those given in Attachment A, where the generated O_3 concentrations are individually assayed at the time of the calibration. However, when the O_3 analyzer is located at a site where such an ideal calibration procedure is impractical to carry out, the O_3 analyzer could be calibrated with a transfer standard. One possible type of transfer standard is a stable, accurately calibrated ozone generator. Another type could be a stable, accurately calibrated ozone analyzer (used to assay the output of an ozone generator at the site). Any transfer standard used would have to be calibrated in accordance with Appendix D of 40 CFR Part 50 and would have to meet yet-to-be determined specifications as to stability, ruggedness, and repeatability. However such transfer standards would provide an important alternative to the otherwise required use of a procedure specified in Appendix D at field locations. This would permit consideration of more accurate and precise albeit more complex and expensive procedures for inclusion in Appendix D.

COMPARISON OF NBKI PROCEDURE WITH GPT AND UV PROCEDURES

As noted earlier, GPT techniques are based on an NO standard and UV techniques are based on the ultraviolet absorption coefficient of O_3 . These standards are independent from each other and from the arsenious oxide standard used in the NBKI procedure. Calibration procedures based on GPT and UV, similar to the procedures in Attachment A, exhibit consistently good results. (4,8,9,10) A typical comparison by Paur, et al. (8) showed a regression equation slope of 1.001 ± 0.007 for GPT versus UV photometry at O_3 concentration from 0.1 to 0.8 ppm. This demonstrates the very good precision in both procedures as well as the excellent agreement between the two entirely independent standards.

TABLE 1.—Comparison of NBKI determinations with UV photometry or gas phase titration (GPT)

Study	Reference procedure	Ratio ¹	O_3 concentration range (parts per million)	Relative humidity (percent)
Baumgardner et al. (8)	GPT	1.01 ± 0.04	0.1-0.5	~0
Baumgardner, Paur (8)	GPT	$1.05 \pm .03$	0.4	~0
Do. (8)	GPT	$1.12 \pm .04$	0.4	40-60
CARB, El Monte (4)	UV	1.25	0.1-0.8	~0
Hodgeson (9)	UV	$1.11 \pm .01$	0.05-10.0	~0
Beard (9)	GPT	$1.03 \pm .03$	0.05-0.8	~0
Smith (11)	GPT	$1.11 \pm .02$	0.2-0.4	~0

¹ Ratio of NBKI to reference procedure; tolerance limits are based on ± 1 standard deviation.

In contrast, the results of several studies (2,3,4,5,6,9,11) by EPA and other laboratories comparing the 1% NBKI procedure with GPT and UV procedures are shown in Table 1. Here a substantially lower precision (greater variability) and evidence of positive bias can be seen. Since the GPT and UV procedures agree well with each other, the bias (ratio) errors are apparently in the NBKI pro-

cedure. Also, the bias varies considerably from one study to another, which suggests some sort of unknown laboratory-dependent variability. All of these data were obtained under carefully controlled conditions; in normal usage the 1% NBKI procedure may well be less precise than is suggested by Table 1.

Based on the evidence shown above indicating the apparent superiority of cali-

bration procedures based on GPT and UV over the NBKI procedure, EPA intends to consider revising the NBKI procedure or replacing it with one or more alternative procedures as soon as testing and evaluation of candidate procedures can be completed.

INTENDED COURSE OF ACTION

EPA intends to pursue the course of action described below to determine whether the existing NBKI procedure should be revised or replaced by a new calibration procedure or procedures for measuring photochemical oxidants. Several preliminary steps have already been taken or are being taken with the publication of this notice. These are: (1) Compilation of available evidence of weaknesses in the NBKI procedure; (2) compilation of available data on performance, comparability, and suitability of alternate calibration procedures; (3) tentative selection of the best alternative procedures; (4) preparation of detailed working drafts of each of the alternative procedures based on latest available information; (5) publication of drafts of the alternative procedures (see Appendix A) and solicitation of comments and data; and (6) publication of interim technical guidance to improve the NBKI procedure, based on the EPA memorandum (7) referred to previously (see Attachment B).

Subsequent to these steps, EPA intends to undertake a comprehensive study of each of the alternative procedures set forth in Appendix A as well as any other procedures which appear favorable.¹ These studies will include both laboratory and field evaluations and will investigate such aspects as the specification of critical parameters, overall accuracy, suitability for field and laboratory use, complexity, cost of equipment, and comparability. An important part of these studies will be the evaluation of comments and other information submitted by user agencies and other interested persons. Also to be considered are the advantages and ramifications of prescribing two or more calibration procedures rather than one.

If the results of these evaluations so indicate, EPA intends to propose appropriate amendments as necessary to Appendix D of 40 CFR Part 50 to revise the 1% NBKI procedure or to replace it with one or more alternate procedures. If any of the procedures set forth in Attachment A are selected for such proposed rulemaking, those procedures will be revised as appropriate based on the evaluations, comments, and any other available information. The revised procedures will then be published in the FEDERAL REGISTER as a proposed amendment to Part 50 and interested persons or agencies will again be afforded an opportunity to comment on the proposed procedures or on any part of the pro-

posed amendment to Part 50. Following consideration of any comments or information received pertinent to this proposed amendment, the amendment would be revised as appropriate and promulgated by republication in the FEDERAL REGISTER.

As indicated previously, this course of action would technically constitute a partial "supersession" of reference methods for photochemical oxidants under 40 CFR 53.16 ("Supersession of Reference Methods"), promulgated on March 17, 1976 (41 FR 11252). This would ordinarily require cancellation of existing reference and equivalent method designations applicable to methods of measuring photochemical oxidants (see 40 CFR 53.16(e)). In this case, however, the only change contemplated in Appendix D is revision or replacement of the calibration procedure presently specified. This would not affect the design or performance characteristics of existing reference methods for oxidants, although it would require appropriate changes in the applicable operation manuals. Accordingly, rather than proposing to cancel the designations applicable to such methods, EPA would propose to provide a reasonable time for the manufacturers to revise their operation manuals, for EPA to review and approve the revised manuals, and for users of such methods to obtain and follow the revised manuals. This would presumably avoid the necessity of cancelling any of the existing reference method designations. Because no equivalent methods have been designated as yet, the question of cancelling equivalent method designations may not arise.

It should also be noted that certain criteria govern supersession of reference methods under 40 CFR 53.16, including, for example, the potential economic consequences of such action for State and local air pollution control agencies (see 40 CFR 53.16 (a) and (b)). Although comments on these considerations may be premature pending publication of a notice of proposed rulemaking in this matter, any such comments are invited and will be carefully considered.

ALTERNATE PROCEDURES UNDER CONSIDERATION

As noted earlier, Attachment A contains several alternate O₃ calibration procedures. These procedures, as they appear in Attachment A below and as they would be structured if included in Part 50, are written to provide only the formal procedure and essential technical specifications necessary for (1) experienced users to carry out the procedure adequately and (2) equipment manufacturers to produce suitable apparatus for such procedures. For less experienced users who require additional information, EPA intends to publish supplemental guidance for each procedure in the form of "Technical Support Documents." These supplemental documents will provide background and explanatory information on the procedure, the rationale for the specifications, and detailed guidance on how to set up a practical apparatus to carry out the procedure. This approach (separate publication of spec-

ifications and supplemental information) has been used in the recently proposed calibration procedure applicable to reference methods for NO₂ (FEDERAL REGISTER, Vol. 41, March 17, 1976, page 11258). Comments on this approach are specifically solicited.

Each of the alternative procedures presented in Appendix A below has certain advantages and disadvantages. For example, Alternative A (GPT with excess NO) is relatively well developed and a similar procedure will likely be in common use for calibration of NO₂ analyzers (40 FR 11258, March 17, 1976). The procedure is based on available NO standards, which can serve double duty in generating NO₂ standards as well. However, the procedure requires an NO analyzer, which may not be readily available when calibrating O₃ analyzers. In addition, the procedure is somewhat complex and requires accurate measurement of several gas flow rates.

The ultraviolet procedure (Alternative B) has the advantage that the procedure is quite easy to carry out, uses a physical measurement, and requires no other gases or critical flow measurements. The measurement is based on the absorption coefficient of O₃ at 254 nm, which has been well established by independent determinations. However, the procedure as applied to the calibration of O₃ analyzers is relatively new and not in general use in the air monitoring community and has not been used extensively to measure ozone in the sub-ppm range needed for ambient ozone analyzer calibration. Relatively little field experience has been accumulated.

The procedure in Alternative C (GPT with excess ozone) is similar to Alternative A but has the advantage that it does not require an NO analyzer. However, this procedure may be more difficult to carry out than Alternative A, and is still under development.

EPA wishes to emphasize that the procedures appearing in Attachment A below are presented only for the purpose of soliciting comments. Some sections of the procedures are untested or still under development and the Technical Support Documents associated with the procedures have not yet been prepared.

INTERIM USE OF NBKI AND OTHER CALIBRATION PROCEDURES

During the period from the time of the publication of this notice until the final promulgation of appropriate amendments to Appendix D of 40 CFR Part 50, air monitoring agencies are strongly encouraged to follow EPA's interpretation of the NBKI calibration procedure, as reflected in Attachment B of this notice, to calibrate ozone analyzers used for purposes of air quality surveillance under 40 CFR 51.17(a). If followed carefully, EPA's supplemental guidance should minimize some of the variations which have been encountered. The use of other interpretations of the procedures is strongly discouraged. No attempts should be made to correct or adjust previously obtained data because the deficiencies of the 1% NBKI calibra-

¹Since this notice was written, EPA has learned of a new potassium iodide procedure (using a boric acid buffer) which shows great potential as a candidate alternative procedure and which will be included in the intended studies.

tion procedure are not consistent from one laboratory to another, making the determination of an acceptable adjustment factor applicable to all data impractical.

Agencies which conduct special air monitoring studies or otherwise collect data for purposes other than 40 CFR 51.17(a) and consider the 1% NBKI procedure inadequate for their needs are encouraged to use a calibration procedure similar to one of the alternative procedures described in Attachment B of this Notice. Such agencies are invited to participate in the evaluation of these procedures by submitting to EPA information obtained from their use of the procedures. Where possible, this information should include details of the procedure as used by the agency, traceability of standards, and the comparability of the data obtained to data obtained by following EPA's interpretation of the 1% NBKI procedure, as reflected in Attachment B of this notice.

INTERIM APPLICATIONS FOR EQUIVALENT METHOD DETERMINATIONS

By definition, reference methods for measuring photochemical oxidants must be calibrated by the procedure described in Part 50, Appendix D (see 40 CFR 53.1(e), 53.2(b)). Until such time as that appendix is amended, the 1% NBKI procedure must be the basis for such reference method calibrations. As noted earlier, EPA strongly encourages users to follow EPA's interpretation of the procedure as reflected in Attachment B of this notice.

By contrast, equivalent methods need not be calibrated by the 1% NBKI procedure. However, to be designated as an equivalent method, a candidate method must demonstrate a consistent relationship to a reference method in accordance with the requirements of Part 53 (see 40 CFR 53.3). Since the reference method used for the required tests must be calibrated with the NBKI procedure, there is a possibility that a candidate method calibrated by other means may fail the tests due to possible bias or variability in the NBKI procedure, even when EPA's interpretation of it is followed.

Revision or replacement of the 1% NBKI procedure, as contemplated by this notice, should eliminate the above problem. In the interim, if a candidate equivalent method fails the Part 53 consistent relationship tests and the failure appears to result from this problem, EPA suggests that the applicant consider modification of the candidate method to prescribe the 1% NBKI calibration procedure as interpreted by EPA.

EFFECT ON NATIONAL AMBIENT AIR QUALITY STANDARD FOR PHOTOCHEMICAL OXIDANTS

EPA has considered the question whether a change in the calibration procedure might affect either the validity or magnitude of the national primary and secondary ambient air quality standard for photochemical oxidants. Cur-

rently, EPA believes that revision of the existing NBKI procedure or replacing it with one or more of the alternative procedures given in Attachment A of this notice would require no revision of the standard for the following reasons. While a number of the studies comparing NBKI with GPT and UV show a positive bias, at least one study (6)² shows a negative bias. In any event, because of the variability in the NBKI procedure, the exact magnitude of any bias which may exist cannot accurately be determined. Thus no precise quantitative factor is available for use as a basis for revision of the standard. (For the same reason, no factor is available to "correct" or "adjust" previously obtained data.) On the other hand, the comparative studies suggest that the bias between the NBKI procedure and the GPT and UV procedures does not exceed about 10 percent. This degree of bias is not sufficient to warrant revision of the standard and is adequately accounted for within the margin of safety included in the standard at the time of promulgation (36 FR 8186, April 30, 1971). EPA will continue to study health and other effects related to ozone and other photochemical oxidants, using any new calibration procedures which may be promulgated. If any evidence becomes available to indicate that revision of the standard should be considered, EPA will address the issue at that time.

Comments on any of the alternative calibration procedures presented in Appendix A below or on any aspect of EPA's intended action in this matter, including suggestions that procedures other than those described in Attachment A be investigated, are solicited from interested persons or agencies. Such written comments should be submitted in triplicate to the Director, Environmental Monitoring and Support Laboratory, Department E, MD-76, Research Triangle Park, North Carolina 27711. All relevant comments postmarked on or before November 22, 1976, will be considered. All comments received will be available for public inspection during normal business hours at the address specified above as well as at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW, Washington, DC 20460.

WILSON K. TALLEY,
Assistant Administrator
for Research and Development.

SEPTEMBER 21, 1976.

REFERENCES

- (1) "Difference in ARB and LA-APCD Oxidant Readings," California Air Resources Board Bulletin, Sacramento, California, Vol. 5, No. 5, June, 1974, p. 1.
- (2) R. Baumgardner, K. Rehme, R. Paur, W. A. McGlenny, and R. K. Stevens, "Ozone

² While this collaborative study included both the chemiluminescent measurement principle as well as the NBKI calibration procedure, extensive experience with chemiluminescent analyzers suggests that substantial bias in the measurement principle is very unlikely. Thus, the bias reported probably arises in the NBKI calibration procedure.

Calibration Study," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, November, 1974.

(3) R. Baumgardner and R. Paur, "Effects of Relative Humidity on Neutral-Buffered Potassium Iodide Determination of Ozone," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, June, 1975.

(4) W. DeMore, "Interagency Comparison of Iodometric Methods for Ozone Determination," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(5) M. E. Beard, J. H. Margeson, and E. C. Ellis, "An Evaluation of the One Percent Neutral Buffered Potassium Iodide Procedure Used for Calibration of Ozone Monitors," Quality Assurance Branch, Environmental Monitoring and Support Laboratory, Research Triangle Park, North Carolina (to be published).

(6) H. C. McKee, R. E. Childers, and V. B. Parr, "Collaborative Study of Reference Method for Measurement of Photochemical Oxidants in the Atmosphere (Ozone-Ethylene Chemiluminescent Method)," EPA Publication No. EPA-650/4-75-016, Southwest Research Institute, San Antonio, Texas, February, 1975.

(7) J. B. Clements, "Clarification of Reference Method for Photochemical Oxidants," EPA Memorandum, Methods Standardization and Performance Evaluation Branch, Quality Assurance and Environmental Monitoring Laboratory, National Environmental Research Center, Research Triangle Park, North Carolina, April 14, 1975.

(8) R. Paur, W. A. McGlenny, and R. K. Stevens, "Comparison of UV Photometry and Gas Phase Titration as Candidate Methods for Absolute Calibration of Ozone Generator Output in the Sub-part-per-million Range," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(9) J. A. Hodgeson, C. L. Bennett, H. L. Kelly, and B. A. Mitchell, "Ozone Measurements by Iodometry, Ultraviolet Photometry and Gas Phase Titration," Presented at the ASTM, EPA, NBS Symposium on Calibration in Air Monitoring, Boulder, Colorado, August, 1975.

(10) J. E. Higuchi, F. K. V. Leh, and R. D. MacPhee, "Comparison of Oxidant Measurement Methods, Ultraviolet Photometry, and Moisture Effects," Presented at the AFCA Technical Specialty Conference on "Ozone/Oxidants—Interaction with the Total Environment," Dallas, Texas, March, 1976.

(11) C. F. Smith and L. J. Purdum, "Comparison of NO₂ Calibration Techniques," EPA Internal Report, National Environmental Research Center, Research Triangle Park, North Carolina, December, 1974.

ATTACHMENT A

ALTERNATE A—TENTATIVE CALIBRATION PROCEDURE USING OPT WITH EXCESS NO

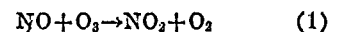
ALTERNATE B—TENTATIVE CALIBRATION PROCEDURE USING UV PHOTOMETRY

ALTERNATE C—TENTATIVE CALIBRATION PROCEDURE USING OPT WITH EXCESS O₃

Alternate A—Tentative Calibration Procedure Using Gas Phase Titration With Excess NO

Major equipment required: Stable ozone generator, Chemiluminescent NO analyzer, with strip chart recorder, NO concentration standard.

1. Principle. 1.1 The calibration procedure is based upon the rapid gas phase reaction between nitric oxide (NO) and ozone (O₃) as described by the following equation:(1)



When O_2 is added to excess NO in a dynamic system, the decrease in NO concentration is equal to the concentration of O_2 added. The NO is obtained from a standard NO cylinder and O_2 is produced by a stable O_2 generator. A chemiluminescence NO analyzer is used to measure the change in NO concentration. The concentration of O_2 added may be varied to obtain calibration concentrations over the range desired. The dynamic system is designed to produce locally high concentrations of NO and O_2 in the reaction chamber, with subsequent dilution, to insure complete O_2 reaction with relatively small chamber volumes.

1.2 This procedure may be used either to calibrate an O_2 analyzer directly, or (more commonly) to calibrate an O_2 generator. In the latter case, the O_2 generator is normally used immediately after calibration and without physical movement, and is recalibrated prior to each use. If the O_2 generator is to be used at other times without recalibration or at other locations as a transfer standard, it must meet the requirements and specifications set forth in Reference (2), "Transfer Standards for Ozone Concentrations."

1.3 When this procedure is used directly to calibrate an O_2 analyzer, the O_2 concentration is first established by gas phase titration, then the NO flow is diverted to allow the O_2 concentration to pass to the output manifold.

2. Apparatus. Figure 1, a schematic of a typical GPT apparatus, shows the suggested configuration of the components listed below. All connections between components in the calibration system downstream from the O_2 generator should be glass or Teflon®. Additional information regarding the assembly of a GPT calibration apparatus is given in Reference (3).

2.1 Air flow controllers. Devices capable of maintaining constant air flow within $\pm 2\%$.

2.2 No flow controller. A device capable of maintaining constant NO flow within $\pm 2\%$. Component parts in contact with the NO must be of a non-reactive material.

2.3 Air flowmeters. Properly calibrated flowmeters capable of measuring and monitoring air flows within $\pm 2\%$.

2.4 NO flowmeter. A properly calibrated flowmeter capable of measuring and monitoring NO flows within $\pm 2\%$. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

2.5 Pressure regulator for standard NO cylinder. This regulator must have non-reactive internal parts and a suitable delivery pressure.

2.6 Ozone generator. Capable of generating stable levels of O_3 over the range and flow rates required (see 4).

2.7 Reaction chamber. A glass chamber for the quantitative reaction of O_3 with excess NO. The chamber should be of sufficient volume (V_{RC}) such that the residence time (t_R) is as specified in 4. For practical reasons, t_R should be less than 2 minutes.

2.8 Mixing chamber. A glass chamber of proper design to provide thorough mixing of reaction products and diluent air. The residence time is not critical when the dynamic parameter specifications given in 4 are met.

2.9 Output manifold. The output manifold should be constructed of glass or Teflon® of sufficient diameter to insure a minimum pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

2.10 Chemiluminescence NO analyzer. The NO channel of a chemiluminescence NO/NO₂/NO_x analyzer which essentially meets the (proposed) performance requirements for reference and equivalent methods for NO_x (FEDERAL REGISTER, Vol. 41, March 17, 1976, page 11264) may be used.

3. Reagents. 3.1 NO concentration standard. Cylinder containing 50 to 100 ppm NO in N₂. This standard must be traceable to a National Bureau of Standards NO in N₂ Standard Reference Material (SRM 1683 or SRM 1684) or NO₂ Standard Reference Material (SRM 1629). The cylinder (working standard) should be recertified on a regular basis as determined by the local quality control program (See Reference (3)).

3.2 Zero air. Air, free of contaminants which will cause a detectable response on the NO or O_2 analyzer or which might react with either NO or O_3 in the gas phase titration. A procedure for generating zero air is given in Reference (3). When calibrating a transfer standard, zero air should be obtained from an ambient air source, as would affect the accuracy of the transfer standard.

4. Dynamic parameter specifications. 4.1 The residence time (t_R) in the reaction chamber and the gas flows (F_O and F_{NO}) (see Figure 1) must be adjusted according to the following relationships:

$$P_R = [NO]_{RC} \times t_R \geq 3.75 \text{ ppm-minutes} \quad (2)$$

$$[NO]_{RC} = [NO]_{STD} \left(\frac{F_{NO}}{F_O + F_{NO}} \right) \quad (3)$$

$$t_R = \frac{V_{RC}}{F_O + F_{NO}} < 2 \text{ minutes} \quad (4)$$

where:

P_R = Dynamic specification, determined empirically, to insure complete reaction of the available O_3 , ppm-minutes
 $[NO]_{RC}$ = NO concentration in the reaction chamber, ppm
 t_R = Residence time in the reaction chamber, minutes
 $[NO]_{STD}$ = Concentration of the undiluted NO standard, ppm
 F_{NO} = NO flow, scm³/min
 F_O = Ozone generator air flow, scm³/min
 V_{RC} = Volume of the reaction chamber, scm³

4.2 These parameters may be selected according to the following sequence:

(a) Determine F_T , the total flow required at the output manifold (F_T = analyzer(s) demand plus 10% to 50% excess).

(b) Establish $[NO]_{OUT}$ as the highest NO concentration (ppm) which will be required at the output manifold. $[NO]_{OUT}$ should be approximately equivalent to 90% of the upper range limit (URL) of the O_2 concentration range to be covered.

(c) Determine F_{NO} as

$$F_{NO} = \frac{[NO]_{OUT} \times F_T}{[NO]_{STD}} \quad (5)$$

(d) Select a convenient or available reaction chamber volume. Initially, a trial V_{RC} may be selected to be in the range of approximately 200 to 500 scm³.

(e) Compute F_O as

$$F_O = \sqrt{\frac{[NO]_{STD} \times F_{NO} \times V_{RC}}{3.75}} - F_{NO} \quad (6)$$

(f) Compute t_R as

$$t_R = \frac{V_{RC}}{F_O + F_{NO}} \quad (7)$$

Verify that $t_R < 2$ minutes. If not, select a reaction chamber with a smaller V_{RC} .

(g) Compute F_D as

$$F_D = F_T - F_O - F_{NO} \quad (8)$$

where:

F_D = Diluent air flow, scm³/min
 (h) If F_O turns out to be impractical for the desired system, select a reaction chamber having a different V_{RC} and recompute F_O and F_D . For a more detailed discussion of these requirements and other related considerations as well as example calculations, refer to Reference (3).

5. Procedure. 5.1 Assemble a dynamic calibration system such as shown in Figure 1.

5.2 Establish the dynamic parameters as indicated in 4.

5.3 Insure that all flowmeters are properly calibrated under the conditions of use against a reliable standard such as a soap-bubble meter or wet-test meter traceable to NBS. All volumetric flowrates should be corrected to 25° C and 760 torr. A detailed discussion on proper calibration of flowmeters is given in Reference (3).

5.4 Precautions must be taken to remove O_2 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO₂. Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in Reference (3).

5.5 Adjust the diluent air and O_2 generator air flows to obtain the flows determined in step 4.2. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent.

5.6 Calibration of the NO analyzer. 5.6.1 Allow sufficient time for the NO analyzer to warm-up and stabilize.

5.6.2 Allow the NO analyzer to sample zero air until a stable NO response is obtained, and make the proper zero adjustments.

5.6.3 Adjust F_{NO} to obtain output concentration of approximately 80% of the upper range limit (URL) of the NO range. The exact concentration is calculated from:

$$[NO]_{OUT} = \frac{F_{NO} \times [NO]_{STD}}{F_{NO} + F_O + F_D} \quad (9)$$

where:

$[NO]_{OUT}$ = Diluted NO concentration at the output manifold, ppm

Sample this NO concentration until the NO analyzer response has stabilized. Adjust the NO span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale)

$$= \frac{[NO]_{OUT}}{URL} \times 100 \quad (10)$$

where:

URL = Upper range limit of the NO analyzer, ppm
 Record the NO concentration and the analyzer response. The NO analyzer should be spanned to the same range as that of the O_2 analyzer to be calibrated. If substantial adjustment of the span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 5.6.2 and 5.6.3.

5.6.4 Generate several additional NO concentrations (at least five are suggested to verify linearity) by decreasing F_{NO} or increasing F_D . For each NO concentration, calculate the exact NO concentration generated using equation (9) and record the analyzer response. Plot the analyzer response versus the calculated NO concentration and draw the NO calibration curve. This plot should be linear. For subsequent calibrations, this curve may be verified with a two-point calibration.

5.7 Calibration of the ozone generator. 5.7.1 Adjust F_O , F_{NO} , and F_D as determined in step 4.2 and generate an NO concentration near 90% of the URL of the NO range. Using the NO analyzer and calibration curve obtained in step 5.6.4, measure and record this NO concentration as $[NO]_{OIG}$.

5.7.2 Adjust the O_2 generator to generate sufficient O_3 to produce a decrease in NO concentration equivalent to approximately 80% of the URL. The O_3 concentration must not exceed 90% of the available NO concentration.

5.7.3 Calculate the corresponding O_3 concentration as

$$[O_3]_{OUT} = ([NO]_{OIG} - [NO]_{REM}) \left(\frac{F_O + F_{NO} + F_D}{F_O + F_D} \right) \quad (11)$$

where:

$[O_3]_{OUT}$ = O_3 concentration at the output manifold when $F_{NO} = 0$, ppm

$[NO]_{OIG}$ = Original NO concentration, ppm

$[NO]_{REM}$ = NO concentration remaining after addition of O_3 , ppm

Record this O_3 concentration and the corresponding generator settings.

5.7.4 Adjust the O_2 generator settings to obtain other O_3 concentrations over the desired range, using equation (11) to calculate the corresponding O_3 concentrations (5 or more calibration points are recommended). Plot the O_3 concentration versus the generator settings and draw the O_2 generator calibration curve.

5.8 Calibration of the ozone analyzer. 5.8.1 Allow sufficient time for the O_3 analyzer to warm-up and stabilize.

5.8.2 Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the O_3 analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as Z .

5.8.3 Using the O_2 generator as calibrated above, and the same F_O and F_D , generate an O_3 concentration near 80% of the desired URL of the analyzer.

5.8.4 Allow the O_3 analyzer to sample this O_3 concentration until a stable response is obtained. Adjust the analyzer's span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale)

$$= \left(\frac{[O_3]_{OUT}}{URL} \times 100 \right) + Z \quad (12)$$

where:

URL = Upper range limit of the O_3 analyzer, ppm

Z = Recorder response with zero air, % scale

Record the O_3 concentration and the analyzer response. If substantial adjustment of the span control is necessary, recheck the zero and span adjustments by repeating steps 5.8.2 and 5.8.4.

5.8.5 Generate several other O_3 concentrations (at least 5 others are recommended) over the scale range of the analyzer by adjusting the O_2 generator settings (preferably the same settings as used in step 5.7.4). For each O_3 concentration, allow for a stable analyzer response, then record the response and the corresponding O_3 concentration.

5.8.6 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

5.8.7 Option 1: The various O_3 concentrations required in step 5.8.5 may be obtained by dilution of the O_3 concentration generated in step 5.8.3. In this case, F_D is increased to various values to decrease the O_3 output concentration, which is calculated as

$$[O_3]'_{OUT} = [O_3]_{OUT} \left(\frac{F_O + F_D}{F_O + F_D'} \right) \quad (13)$$

where:

F_d = The new diluent air flow, scm³/min.
Since only one O₃ generator setting is used, the generator need be calibrated only at that setting. Or, [O₃]_{out} may be calculated from equation (1) without actually calibrating the O₃ generator, if the setting is not changed from that used in steps 5.7.2 and 5.7.3.

5.8.8 Option 2: The O₃ analyzer may be calibrated "directly" by GPT without intermediate calibration of the O₃ generator and without changing F_d . Under this option, the various O₃ concentrations required for calibration in steps 5.8.4 and 5.8.5 are obtained by adjusting the O₃ generator settings. For each such adjustment, the O₃ concentration is first established by GPT using equation (1). Then the NO flow is diverted to allow the O₃ to be delivered to the output manifold and sampled by the analyzer.

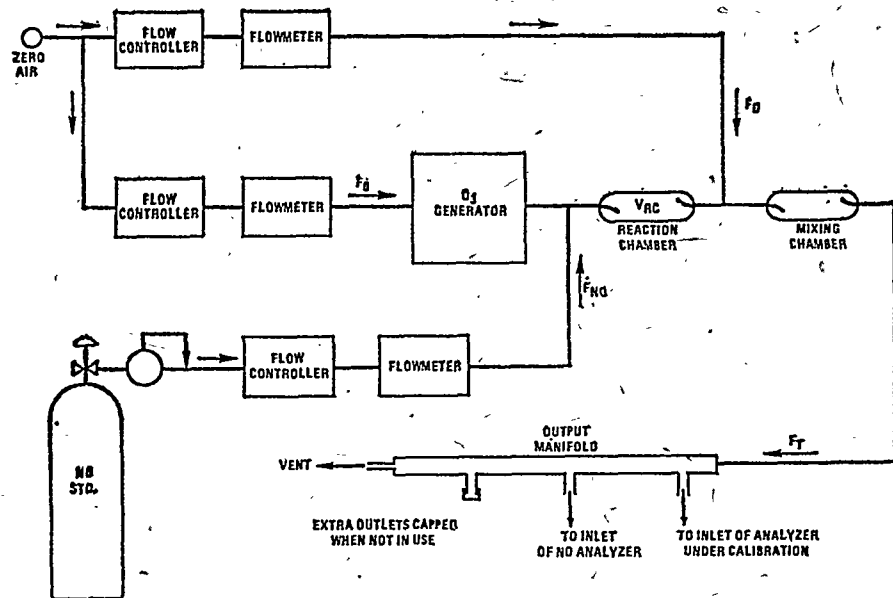


Figure 1. Schematic diagram of a typical GPT calibration system.

Alternate B—Tentative Calibration Procedure Using Ultraviolet Photometry

Major Equipment Required: Stable ozone generator, UV photometer.

1. Principle. 1.1 The calibration procedure is based on the photometric measurement of ozone (O₃). The concentration of O₃ in an absorption cell is determined from a measurement of the amount of 254 nm light absorbed by the sample. This determination requires knowledge of the absorption coefficient (α) of O₃, the length (l) of the optical path through the sample, and the transmittance (T) of the sample at 254 nm. The transmittance is defined as the ratio I/I_0 , where I is the intensity of light which passes through the cell and reaches the detector when the cell contains a sample and I_0 is the intensity of light which passes through the cell and reaches the detector when the cell is evacuated or contains some reference material. It is assumed that all conditions of the system, except for the contents of the absorption cell, are identical during measurement of I and I_0 . The quantities defined above are related by the Beer-Lambert absorption law:

$$T = I/I_0 = e^{-\alpha c l} \quad (1)$$

where:

c = O₃ concentration, ppm

The absorption coefficient of O₃ at 254 nm is approximately 3.10×10^{-4} ppm⁻¹ cm⁻¹ (1, 2, 3, 4, 5).

A stable O₃ generator is used to produce O₃ concentrations over the range required. Each O₃ concentration is determined by measuring T in a photometer of known pathlength, l . The O₃ concentration is calculated from:

$$c = -\frac{1}{\alpha l} \ln T \quad (2)$$

1.2 This procedure may be used either to calibrate an O₃ analyzer directly, or to calibrate a reproducible O₃ generator. When the procedure is used directly, the O₃ analyzer under calibration and the photometer are allowed to sample O₃ concentrations simultaneously. If the O₃ generator is calibrated prior to the O₃ analyzer, it must meet the requirements and specifications set forth in Reference (6), "Transfer Standards for Ozone Concentrations".

2. Apparatus. Figure 1, a schematic of a typical dynamic calibration system, shows the suggested configuration of the components listed below. All connections between components in the calibration system

REFERENCES

- (1) K. A. Rehme, B. E. Martin, and J. A. Hodgeson, "Tentative Method for the Calibration of Nitric Oxide, Nitrogen Dioxide, and Ozone Analyzers by Gas Phase Titration," EPA Publication No. EPA-R2-73-246, Chemistry and Physics Laboratory, National Environmental Research Center, Research Triangle Park, North Carolina, March, 1974.
- (2) "Transfer Standards for Ozone Concentrations," EPA Publication (to be prepared).
- (3) "Technical Assistance Document for the Chemiluminescence Measurement of Ozone," EPA Publication (to be prepared).

cell can be flushed in a reasonably short period of time (2 l/min is a typical flow). The time required for flushing is related to the precision of the measurement since photometer drift increases with time.

4.3 Adjust the flowrate through the O₃ generator F_g to a value at least 1 l/min greater than the total flowrate required by the photometer and the analyzer(s) under calibration.

4.4 Adjust the flowrate of zero air, F_z , to a value at least 1 l/min greater than the flowrate required by the photometer.

4.5 Allow sufficient time for the O₃ analyzer and the photometer to warm-up and stabilize.

4.6 Allow the O₃ analyzer to sample zero air until a stable response is obtained and adjust the O₃ analyzer zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

4.7 Adjust the O₃ generator to produce an O₃ concentration of approximately 80% of the desired upper range limit (URL) of the O₃ analyzer.

4.8 Allow the O₃ analyzer to sample this O₃ concentration until a stable response is obtained. During the same time, actuate the two-way valve to allow the photometer to sample this O₃ concentration.

4.9 Record the temperature and pressure of the sample in the photometer absorption cell. (The photometer may be easily constructed in such a manner that the pressure of the sample is within a few tenths of a percent of ambient pressure. When using such a photometer the ambient atmospheric pressure provides a sufficiently accurate measurement of sample pressure.)

4.10 When the O₃ analyzer response has stabilized and the photometer absorption cell is thoroughly flushed, record the measured value of I .

4.11 Actuate the two-way valve to allow the photometer to sample zero air until the absorption cell is thoroughly flushed and record the measured value of I_0 .

4.12 Calculate the O₃ concentration from:

$$[O_3]_{out} = \left(-\frac{1}{\alpha l} \ln \frac{I}{I_0} \right) \left(\frac{T}{273} \right) \left(\frac{760}{P} \right) \quad (4)$$

where:

[O₃]_{out} = O₃ concentration, ppm
 α = Absorption coefficient of O₃ at 254 nm
= 3.10×10^{-4} ppm⁻¹ cm⁻¹
 l = Optical pathlength, cm
 T = Sample temperature, °K
 P = Sample pressure, torr

4.13 Adjust the O₃ analyzer's span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale) =

$$\left(\frac{[O_3]_{out}}{URL} \times 100 \right) + Z \quad (5)$$

where:

URL = Upper range limit of the O₃ analyzer, ppm
Z = Recorder response with zero air % scale

Record the O₃ concentration and the analyzer response. If substantial adjustment of the span control is necessary, rerecord the zero and span adjustments by repeating steps 4.6 and 4.13.

4.14 Generate several other O₃ concentrations (at least 5 others are recommended) over the scale range of the O₃ analyzer by adjusting the O₃ generator settings. Determine each O₃ concentration with the photometer using the procedure given above (steps 4.8 through 4.12). For each O₃ concentration, record the O₃ analyzer response and the corresponding O₃ analyzer concentration.

4.15 Plot the O₃ analyzer responses versus the corresponding O₃ concentrations and draw the O₃ analyzer's calibration curve or calculate the appropriate response factor.

4.16 Option 1: The various O₃ concentrations required in step 4.14 may be obtained by dilution of the O₃ concentration generated in step 4.7. With this option accurate flow measurements are required. The dynamic calibration system must be modified as shown in Figure 2 to allow for dilution air to be metered in downstream of the O₃ generator. A mixing chamber between the O₃ generator and the output manifold is also required. The flowrate through the O₃ generator (F_g) and the dilution air flowrate (F_d) are measured with a reliable standard traceable to NBS. Each O₃ concentration generated by dilution is calculated from:

$$[O_3]'_{out} = [O_3]_{out} \left(\frac{F_g}{F_g + F_d} \right) \quad (6)$$

where: [O₃]_{out} = Diluted O₃ concentration, ppm
 F_g = Flowrate through the O₃ generator, scm³/min
 F_d = Diluent air flowrate, scm³/min

4.17 Option 2: An O₃ generator may be calibrated using the photometric procedure and then used as a transfer standard if it meets the requirements and specifications set forth in Reference (6). With this option the O₃ generator output is calibrated at an accurately known flowrate through the O₃ generator (F_g). The O₃ generator is subsequently used with this same flowrate to calibrate

The photometer must be constructed in such a fashion that the standard deviation of the transmittance measurement at a given O₃ concentration causes the standard deviation of the concentration measurement to be no more than 0.005 ppm or 3% of the concentration, whichever is the greater amount.

3. Reagents—3.1 Zero Air. Air, free of contaminants which will cause a detectable response on the O₃ analyzer. The air should also be free of NO, C₂H₄, and other species which react with O₃. A procedure for generating zero air is given in Reference (7). When calibrating a transfer standard, zero air should be obtained from an ambient source, as other sources may vary in oxygen content, which would affect the accuracy of the transfer standard.

4. Procedure. 4.1 Assemble a dynamic calibration system such as shown in Figure 1.

4.2 Adjust the flowrate through the photometer absorption cell, F_p , to a convenient value so that the

the O_3 analyzer. Since the O_3 output of the generator is dependent on the oxygen content of the zero air, the oxygen content in the zero air during calibration of the generator must be the same as in the zero air used during calibration of the O_3 analyzer. Purified ambient air is recommended and a procedure for zero air generation is given in Reference (7).

REFERENCES

- (1) E. C. Y. Inn and Y. Tanaka, "Absorption Coefficient of Ozone in the Ultraviolet and Visible Regions," *J. Opt. Soc. Am.*, 43, 870 (1953).
- (2) A. G. Hearn, "Absorption of Ozone in the Ultraviolet and Visible Regions of the Spectrum," *Proc. Phys. Soc. (London)*, 78, 932 (1961).

- (3) W. B. DeMore and O. Raper, "Hartley Band Extinction Coefficients of Ozone in the Gas Phase and in Liquid Nitrogen, Carbon Monoxide, and Argon," *J. Phys. Chem.*, 68, 412 (1964).
- (4) M. Griggs, "Absorption Coefficients of Ozone in the Ultraviolet and Visible Regions," *J. Chem. Phys.*, 49, 857 (1968).
- (5) K. H. Becker, U. Schurath, and H. Seitz, "Ozone-Olefin Reactions in the Gas Phase I. Rate Constants and Activation Energies," *Int'l. Jour. of Chem. Kinetics*, VI, 725 (1974).
- (6) "Transfer Standards for Ozone Concentrations," EPA Publication (to be prepared).
- (7) "Technical Assistance Document for the Chemiluminescence Measurement of Ozone," EPA Publication (to be prepared).

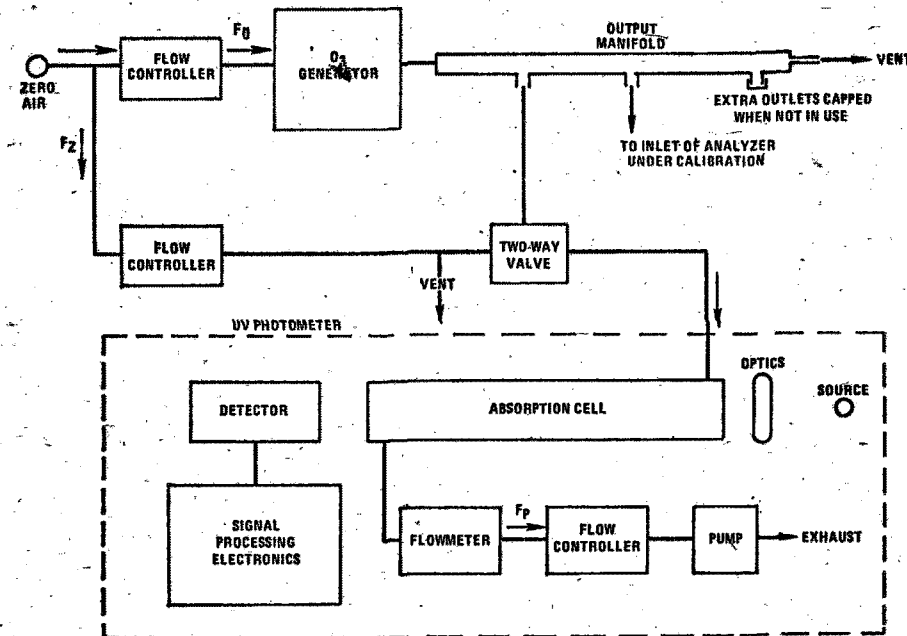


Figure 1. Schematic diagram of a typical UV photometric calibration system.

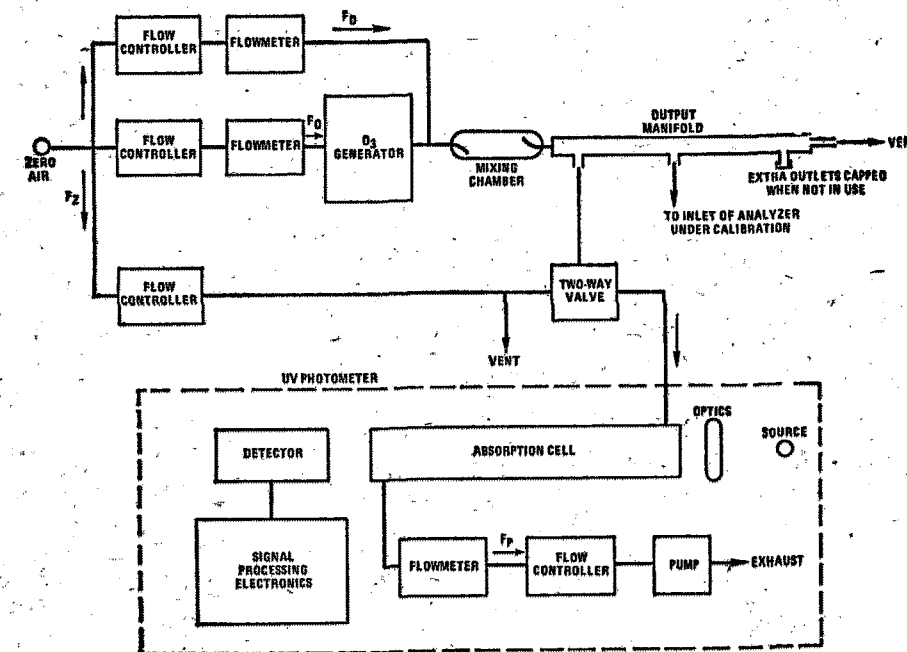


Figure 2. Schematic diagram of a typical UV photometric calibration system (OPTION 1).

Alternate C—Tentative Calibration Procedure Using Gas Phase Titration With Excess O_3

Major Equipment Required: Stable ozone generator, NO concentration standard.

1. Principle. 1.1 The calibration procedure is based upon the rapid gas phase reaction between ozone (O_3) and nitric oxide (NO) in accordance with the following equation: (1)



The quantitative nature of this reaction is such that the amounts of NO and O_3 reacted are equivalent. Nitric oxide is added to O_3 in a dynamic system, and the chemiluminescent O_3 analyzer under calibration is used as an indicator of changes in O_3 concentration. The decrease in O_3 response observed on the uncalibrated O_3 analyzer is equivalent to the concentration of NO added. By measuring this decrease in response and the initial response, the O_3 concentration can be determined. Additional O_3 calibration concentrations are generated by a dilution technique. The dynamic system is designed to produce locally high concentrations of O_3 and NO in the reaction chamber, with subsequent dilution, to insure complete NO reaction with relatively small chamber volumes.

2. Apparatus. Figure 1, a schematic of a typical GPT apparatus, shows the suggested configuration of the components listed below. All connections between components in the calibration system downstream from the O_3 generator should be glass or Teflon®. Additional information regarding the assembly of a GPT calibration apparatus is given in Reference (2).

2.1 Air flow controllers. Devices capable of maintaining constant air flow within $\pm 2\%$.

2.2 NO flow controller. A device capable of maintaining constant NO flow within $\pm 2\%$. Component parts in contact with the NO must be of a non-reactive material.

2.3 Air flowmeters. Properly calibrated flowmeters capable of measuring and monitoring air flows within $\pm 2\%$.

2.4 NO flowmeter. A properly calibrated flowmeter capable of measuring and monitoring NO flows within $\pm 2\%$. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

2.5 Pressure regulator for standard NO cylinder. This regulator must have non-reactive internal parts and a suitable delivery pressure.

2.6 Ozone generator. Capable of generating a stable level of O_3 at the flow rates required (see 4).

2.7 Reaction chamber. A glass chamber for the quantitative reaction of NO with excess O_3 . The chamber should be of sufficient volume (V_{RC}) such that the residence time (t_R) is as specified in 4.

2.8 Mixing chamber. A glass chamber of proper design to provide thorough mixing of reaction products and diluent air. The residence time is not critical when the dynamic parameter specifications given in 4 are met.

2.9 Output manifold. The output manifold should be constructed of glass or Teflon® of sufficient diameter to insure a minimum pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

3. Reagents—3.1 NO concentration standard. Cylinder containing 50 to 100 ppm NO in N_2 . The cylinder must be traceable to a National Bureau of Standards NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684) or NO₂ Standard Reference Material (SRM 1629). The cylinder (working standard) should be recertified on a regular basis as determined by the local quality control program. (See Reference (2).)

3.2 Zero Air. Air, free of contaminants which will cause a detectable response on the O_3 analyzer or which might react with either NO or O_3 in the gas phase titration. A procedure for generating zero air is given in Reference (2).

4. Dynamic parameter specifications. 4.1 The residence time (t_R) in the reaction chamber and the gas flows (F_O and F_{NO}) (see Figure 1) must be adjusted according to the following relationships:

$$P_R = [O_3]_{RC} \times t_R = 1.5 \text{ ppm-minutes} \quad (2)$$

$$[O_3]_{RC} = [O_3]_{OUT} \left(\frac{F_T}{F_O + F_{NO}} \right) \quad (3)$$

$$t_R = \frac{V_{RC}}{F_O + F_{NO}} \quad (4)$$

where: P_R = Dynamic specification, determined empirically, to insure complete reaction of NO; ppm-minutes

$[O_3]_{RC}$ = O_3 concentration in the reaction chamber, ppm

t_R = Residence time in the reaction chamber, minutes

$[O_3]_{OUT}$ = 80% URL concentration of O_3 at the output manifold, ppm

F_T = Total flow at the output manifold, cm^3/min

F_O = Ozone generator air flow, cm^3/min

F_{NO} = NO flow, cm^3/min

V_{RC} = Volume of the reaction chamber, cm^3

4.2 These parameters may be selected according to the following sequence:

(a) Determine F_T , the total flow required at the output manifold (F_T = analyzer(s) demand plus 10% to 50% excess).

- (b) Determine $[O_3]_{OUT}$ as the 80% URL (upper range limit) concentration required at the output manifold.
(c) Determine F_{NO} as

$$F_{NO} = \frac{0.8 \times [O_3]_{OUT} \times F_T}{[NO]_{STD}} \quad (5)$$

where:

$[NO]_{STD}$ = Concentration of the undiluted NO standard, ppm

- (d) Select a convenient or available reaction chamber volume. Initially, a trial V_{RC} may be selected to be in the range of approximately 300 to 1500 cm^3 .
(e) Compute F_0 as

$$F_0 = \sqrt{\frac{[O_3]_{OUT} \times F_T \times V_{RC}}{1.5}} - F_{NO} \quad (6)$$

- (f) Compute t_R as

$$t_R = \frac{V_{RC}}{F_0 + F_{NO}} \quad (7)$$

- (g) Compute F_D as

$$F_D = F_T - F_0 - F_{NO} \quad (8)$$

where:

F_D = Diluent air flow, cm^3/min .
(h) If F_0 turns out to be impractical for the desired system, select a reaction chamber having a different V_{RC} and recompute F_0 and F_D . For a more detailed discussion of these requirements and other related considerations as well as example calculations, refer to Reference (2). A procedure for the initial checkout of the GPT system and the dynamic parameter specifications given above is also included in Reference (2).
5. Procedure. 5.1 Assemble a dynamic calibration system such as shown in Figure 1.

5.2 Establish the dynamic parameters as indicated in 4.

5.3 Insure that all flowmeters are properly calibrated under the conditions of use against a reliable standard such as a soap-bubble meter or wet-test meter traceable to NBS. All volumetric flowrates should be corrected to 25° C and 760 torr. A detailed discussion on proper calibration of flowmeters is given in Reference (2).

5.4 Precautions must be taken to remove O_2 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO_2 . Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in Reference (2).

5.5 Allow sufficient time for the O_3 analyzer to warm-up and stabilize. Adjust the diluent air and O_3 generator air flows to obtain the flows determined in step 4.2. The total air flow must exceed the demand of the analyzer under calibration to insure that no ambient air is pulled into the manifold vent. Allow the O_3 analyzer to sample zero air until a stable response is obtained and adjust the analyzer's zero control. Offsetting the analyzer's zero adjustment to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as "Z".

5.6 Adjust the O_3 generator to generate an O_3 concentration of approximately 80% of the URL as measured on the uncalibrated O_3 analyzer. When the response has stabilized, record as I_0 (corrected for zero offset, Z).

5.7 Turn the NO flow on and adjust until the O_3 analyzer response has been decreased by 75-80 percent of its original value. For example, if I_0 = 80 percent of the URL, the NO flow should be adjusted to give a resultant analyzer response of 16-20 percent of the URL. When the resultant response has stabilized, record as I (corrected for zero offset, Z).

5.8 Measure the NO flow and record as F_{NO} .

5.9 Calculate the exact NO concentration from:

$$[NO] = \frac{F_{NO} \times [NO]_{STD}}{F_{NO} + F_0 + F_D} \quad (9)$$

where:

$[NO]$ = Diluted NO concentration, ppm

5.10 Calculate the O_3 concentration from:

$$[O_3]_{OUT} = \frac{I_0}{\left(I_0 \times \frac{F_0 + F_D}{F_{NO} + F_0 + F_D} \right) - I} \times [NO] \quad (10)$$

$$\approx \frac{I_0}{I_0 - I} \times [NO] \quad (11)$$

where:

$[O_3]_{OUT}$ = O_3 concentration, ppm
 I_0 = Original O_3 analyzer response, % chart (corrected for zero offset, Z)
 I = Resultant O_3 analyzer response after addition of NO, % chart (corrected for zero offset, Z)
The correction for flow dilution by NO shown in equation (10) is usually small and may be ignored by using equation (11).

5.11 Remove the NO flow. The O_3 analyzer response should return to its original value.

5.12 Adjust the analyzer's span control to obtain a convenient recorder response as indicated below:

recorder response (percent scale)

$$= \left(\frac{[O_3]_{OUT}}{URL} \times 100 \right) + Z \quad (12)$$

where:

URL = Upper range limit of the O_3 analyzer, ppm

Z = Recorder response with zero air, % scale

Record the O_3 concentration and the analyzer response. If substantial adjustment of the span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 5.5 and 5.12. If the O_3 concentration calculated above is outside the desired range of the analyzer, span the analyzer on the next higher range and then repeat the entire procedure (steps 5.5 through 5.12) on the desired range.

5.13 Calculate the O_3 concentration produced by the O_3 generator from:

$$[O_3]_{GEN} = [O_3]_{OUT} \left(\frac{F_0 + F_D}{F_0} \right) \quad (13)$$

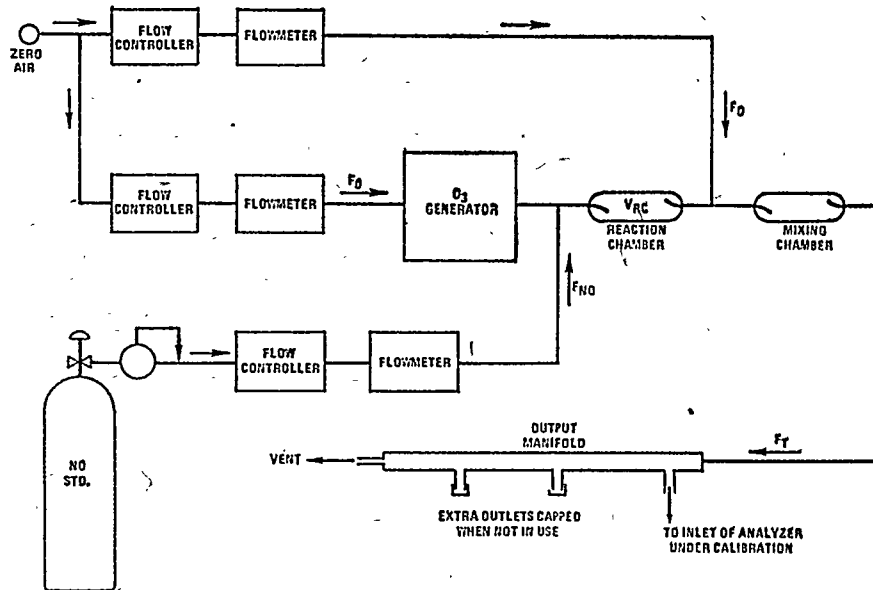


Figure 1. Schematic diagram of a typical GPT calibration system.

ATTACHMENT B—TECHNICAL GUIDANCE FOR OBTAINING IMPROVED PRECISION AND ACCURACY IN USING THE OZONE CALIBRATION PROCEDURE GIVEN IN 40 CFR PART 50, APPENDIX D

The reference method calibration procedure specified in Appendix D of 40 CFR Part 50 allows a moderate degree of flexibility in a number of its provisions. This flexibility arises because some of the equipment and procedural specifications are given in terms which tend to be general or subject to interpretation, rather than highly specific. Such general-type specifications permit variations to accommodate operator preferences and available equipment. However these variations compromise, to some extent, the precision and accuracy of the resulting ozone measurements.

Within certain somewhat general specifications prescribed in Appendix D of 40 CFR Part 50, it is possible to obtain improved precision and accuracy by following more detailed and restrictive procedures. These augmentative procedures and instructions are set forth below for those who wish to obtain improved results. While use of these additional instructions is not required, EPA recommends that they be followed where improved uniformity and accuracy are desired.

where:

$[O_3]_{GEN}$ = O_3 concentration produced by the O_3 generator, ppm

5.14 Generate several other O_3 concentrations (at least 4 are suggested) by increasing F_D , the diluent air flow. Calculate the diluted O_3 concentrations from:

$$[O_3]_{OUT} = [O_3]_{GEN} \left(\frac{F_0}{F_0 + F_D} \right)$$

where:

$[O_3]_{OUT}$ = Diluted O_3 concentration, ppm

F_D = The new diluent air flow, cm^3/min

5.15 Allow the O_3 analyzer to sample each diluted O_3 concentration until a stable response is obtained. For each concentration, record the analyzer response and the corresponding O_3 concentration.

5.16 Plot the O_3 analyzer responses versus the corresponding O_3 concentrations and draw the O_3 analyzer's calibration curve or calculate the appropriate response factor.

REFERENCES

- (1) K. A. Reine, B. E. Martin, and J. A. Hodgeson, "Tentative Method for the Calibration of Nitric Oxide, Nitrogen Dioxide, and Ozone Analyzers by Gas/Phase Titration," EPA Publication No. EPA-R2-73-210, Chemistry and Physics Laboratory, National Environmental Research Center, Research Triangle Park, North Carolina, March, 1974.
- (2) "Technical Assistance Document for the Chemiluminescence Measurement of Ozone," EPA Publication (to be prepared).

1. Section 5.10.1 indicates that "all-glass impingers as shown in Figure D4 are recommended." It is obvious that the intent of this specification is not to exclusively limit the type of absorber used to the exact type or shape shown in Figure D4. A number of other all-glass absorbers are available and are permissible under the intent of section 5.10.1. EPA now believes that the best uniformity and accuracy are obtained by the use of a type of absorber referred to as a "midjet impinger". Specifications for this midjet impinger are given in Figure B-1.

2. Section 6 indicates the reagents which are required to carry out the procedure. Greater uniformity and accuracy may be obtained if the following reagents are specified as "ACS Reagent Grade": potassium iodide (KI), potassium dihydrogen phosphate (KH_2PO_4), disodium hydrogen phosphate (Na_2HPO_4), sodium hydroxide ($NaOH$), sulfuric acid (93% to 98% H_2SO_4), starch (soluble), mercuric iodide (HgI_2), iodine (resublimed I_2), and sodium bicarbonate ($NaHCO_3$).

3. Section 6.5 specifies the use of either anhydrous disodium hydrogen phosphate (Na_2HPO_4) or the dodecahydrate salt ($Na_2HPO_4 \cdot 12H_2O$). However the heptahydrate form of this compound ($Na_2HPO_4 \cdot 7H_2O$) is more stable and thus provides improved precision. Since all

three of these forms of the compound are absolutely equivalent chemically, the heptahydrate form is recommended. The equivalent quantity of $\text{Na}_2\text{HPO}_4 \cdot 7\text{H}_2\text{O}$ is 26.8 grams.

4. Section 6.5 specifies the use of potassium iodide (KI). Some sources of KI—even ACS Reagent Grade—have been reported to contain small amounts of reducing agents. Such impurities can cause an iodine demand which could cause a significant measurement error. Best accuracy is thus obtained with KI which has no significant iodine demand. To determine if this specification is being met, plot the I_2 absorbance (y-axis) versus total $\mu\text{g O}_3$ (x-axis) calibration curve in Section 8.1.2 as follows:

Plot the five points obtained for the 0.5, 1, 2, 3, and 4 ml of I_2 . Do not include zero as a point. Draw the curve or use linear regression analysis. If the intercept is significantly different from zero, the KI has an I_2 demand and should be discarded. Typical intercepts obtained at NARC/RTP are between +0.03 and -0.20 $\mu\text{g O}_3$. Typical slopes obtained for the I_2 vs Absorbance are between 19.67 and 18.77 $\mu\text{g O}_3$ /Absorbance Unit.

5. Section 6.2 specifies "cylinder air, dry grade". This specification is rather ambiguous, but it seems clear that the intent is to require air of a clean, dry, and uniform quality. Air from sources other than compressed gas cylinders can certainly meet and exceed these requirements. Thus this specification can be interpreted to include any source of clean, dry, uniform air. But again, greater precision can be realized if additional specifications are applied to the air. In particular, the air must also be essentially free of ozone, NO , NO_2 , reactive hydrocarbons, and any other interferent which may cause a positive or negative bias. While it is not practical to attempt to analyze the air for presence of these various interferences, air meeting the above additional requirements may be produced by appropriate treatment as described below. Either compressed ambient air or cylinder air may be treated. The air is first passed through silica gel for drying, then it is treated with ozone to convert any NO to NO_2 . Finally, the air is passed through 6-14 mesh activated carbon and 6-16 mesh type 4A molecular sieve to remove NO_2 and hydrocarbons.

NOTE.—The oxygen content of cylinder air may vary from 18% to 22%, which can cause changes in the calibration of ozone generators. If cylinder air is used, recalibration of the ozone generator with each new cylinder of air is recommended.

6. Sections 8.1.1, 8.2.2.1, and 8.2.2.2 all require measurement of the iodine absorbance "immediately." Best precision is obtained when these measurements are made within 3 minutes after obtaining the material to be measured.

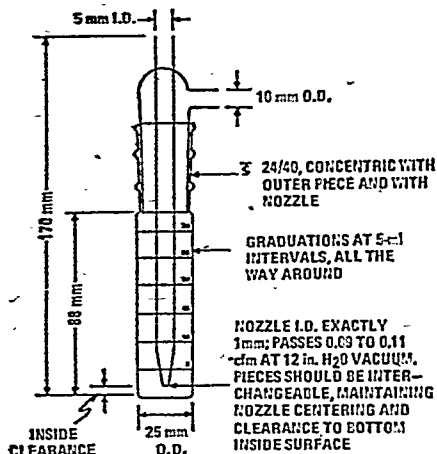


Figure B-1.

[FR Doc.76-29100 Filed 10-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 20828]

PARTICIPATION IN DATA PROCESSING BY COMMUNICATIONS COMMON CARRIERS

Memorandum Opinion and Order Regarding Computer Inquiry

Adopted: September 30, 1976; Released: October 4, 1976.

In the matter of amendment § 64.702 of the Commission rules and regulations, (Computer Inquiry).

1. We have under consideration:

(a) A request filed September 10, 1976, by COMSAT General Corporation (COMSAT GENERAL) that the Commission issue a procedural order with respect to the service of pleadings on participants in the Computer Inquiry.¹

(b) A motion for extension of time filed on September 20, 1976 by International Business Machines Corporation (IBM), pursuant to § 1.46 of the Commission's rules and regulations, requesting an extension of time for the filing of comments in the Computer Inquiry.

2. COMSAT GENERAL anticipates that extensive comments and replies will be filed in this proceeding by numerous companies from the communications and data processing industries. It submits that identifying all participants and obtaining copies of their filings could be a time consuming and onerous procedure for interested parties, resulting potentially in the protraction of pleading cycles and delay in final Commission action. Accordingly, it requests that the Commission require all parties planning to participate in the Computer Inquiry to file a notice of such intention with the Commission.

3. This procedure would serve the convenience of the interested parties and, at the same time, be conducive to expeditious administration in this proceeding. Accordingly, we will require all parties who intend to participate in the Computer Inquiry to file a notice of their intention with the Commission. Subsequent thereto, the Commission will publish a list of the participants and their addresses in a public notice, and the participants filing pleadings in this proceeding shall serve on each party listed, a copy of all pleadings filed with the Commission.

4. In addition, IBM maintains that the proposed changes in the structure of the computer rules would substantially affect presently unregulated competitive service offerings. IBM states that it intends to submit an analysis showing the extent to which presently unregulated offerings would be affected by the proposed amendments as well as a discussion of the desirability of any such changes. It states, however, that it would not be possible for IBM to complete such an analysis in the time allotted by the Commission. It requests, therefore, that the time for filing comments in this proceeding be extended for at least 90 days, until January 10, 1977, and that the time for reply comments be extended 45 days, until February 24, 1977.

5. In view of the complexity and possible impact that the proposed amendment to § 64.702 might have on regulated common carriers and the non regulated data processing industry, IBM's request for an extension of time appears reasonable.

6. Accordingly, it is hereby ordered, Pursuant to § 0.303 of the Commission's

¹ Notice of Inquiry and Proposed Rulemaking, FCC 76-745, released August 9, 1976 (Docket No. 20828) (41 FR 33563).

Rules on Delegations of Authority, that IBM's request for an extension of time for the filing of all comments in the Computer Inquiry (Docket No. 20828) is granted.

7. It is further ordered, That comments in this proceeding shall be filed on or before January 10, 1977, and reply comments shall be filed on or before February 24, 1977.

8. It is further ordered, That interested parties intending to participate in the Computer Inquiry shall file a notice of such intent with the Commission by November 1, 1976 stating the name and address of the individual on whom pleadings in this proceeding are to be served.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-23279 Filed 10-5-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 563 and 570]

[No. 76-758]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Federal Insurance Reserve Accounts

SEPTEMBER 30, 1976.

The Federal Home Loan Bank Board proposes to amend Parts 563 and 570 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 563 and 570) for purposes of clarification and to permit more flexible management of Federal insurance reserve accounts.

Present § 563.11(a) requires insured institutions to establish a Federal insurance reserve account (FIR) to be used solely to absorb losses; prohibits payment of interest or dividends on savings accounts therefrom; and permits an insured State-chartered institution to permanently designate as part of its FIR any reserve account which, under State law, may only be used to absorb losses. Evidence of such designation must be filed with the Corporation.

The proposed revisions to paragraph (a) would describe the establishment and composition of the FIR in subparagraph (a) (1), and the use thereof in paragraph (a) (2). Paragraph (a) (1) would clarify that the FIR must be established and maintained according to §§ 563.12 and 563.13 of this Part. Although the FIR would continue to include permanently designated State loss reserve accounts, other components would henceforth be limited to transfers from net income or net worth accounts other than capital stock or paid-in surplus under conditions specified in proposed paragraph (b) of this section. The Board has determined that pledged savings accounts (presently eligible for earmarking as FIR) will no longer be included in the temporary earmarking category because of the infrequency of applications therefor, and to provide uniformity in loss absorption characteristics among funds comprising FIR.

New paragraph (a) (2) would preserve the ban against payment of interest or dividends on savings accounts from the FIR, clarify that the FIR may be used to establish specific loss reserves or valuation allowances, and permit transfers of amounts from the FIR to other reserve accounts under conditions prescribed in proposed paragraph (e) of this section.

Present paragraph (b) (1) of § 563.11, which permits temporary earmarking of specified net worth accounts with approval of the Corporation, would be revoked and replaced by new paragraph (b) (1) which would permit, with Corporation approval, temporary earmarking as part of an insured institution's FIR any amount of capital stock or paid-in surplus allowed by State law to be used solely for absorbing losses or establishing specific loss reserves of valuation allowances. The proposal would also provide that Corporation approval would be given only if there is no legal restriction or condition precedent to reduction of the balance available (represented by such stock or paid-in surplus) to absorb losses, and would not be given to meet the requirement in § 563.13(a) (1) that an insured institution must meet its 5 percent benchmark without averaging on one closing date before the 26th anniversary of its insurance of accounts. Additionally, an institution would have to terminate such earmarking as soon as FIR requirements could be met pursuant to one or more of the other provisions of this section.

New paragraph (b) (2) would retain and modify the provision delegating the Corporation's authority to the Director of the Office of Examinations and Supervision for approval or disapproval of temporary earmarking to conform to the proposed revision of paragraph (b) (1).

Present paragraphs (c) and (d) of this section, describing the general reserves of Federal associations and adjustment for negative net worth account balances, respectively, would be retained; new paragraphs (e), (f) and (g) would be added.

Proposed paragraph (e) of this section would allow insured institutions which have exceeded their required § 563.13(a) FIR levels to release excess amounts therefrom by terminating existing temporary earmarking of capital stock or paid-in surplus, or if none, then by transferring such excess to other net worth accounts. It is noted that an institution which has met the five percent requirement of § 563.13(a) may not reduce its FIR below that level.

Proposed new paragraph (f) would require insured institutions to maintain clear corporate and accounting records of all components of their FIR for inclusion in semiannual reports to the Corporation as well as reports to the public.

New paragraph (g) would allow (from the date of adoption of these amendments) an institution to transfer previously earmarked accounts to the FIR, or to release such accounts without prior Corporation approval, so long as the FIR balance continues to meet the required § 563.13 (a) level, with recordkeeping of such release or transfer required.

Section 563.13 sets forth requirements for amounts and maintenance of FIR and net worth accounts. The Board proposes to expand this section to include two new paragraphs. Present paragraphs (a) (1) and (a) (2) would not change in substance. Paragraph (a) (2) would be redesignated as paragraph (a) (3). New paragraph (a) (2) would state FIR requirements for the resulting institution in merger situations where one or more of the merging institutions has been insured less than 20 years. This new provision would include definitions of the terms "merger", "merging institutions", and "resulting institution" in paragraph (a) (2) (i). Paragraph (a) (2) (ii) would derive the applicable FIR requirement either by dividing the merging institutions' combined required reserves on the most recent annual closing date by those institutions' aggregate savings and checking account balances on such date, or by averaging such aggregate account balances. The resulting percentage, rounded to the next higher one quarter of one percent (unless already an exact multiple thereof), would be compared with the percentages in the table in paragraph (a) (1) to obtain the corresponding anniversary year for the resulting institution.

New paragraph (a) (4), as proposed, would allow an insured institution to meet its 5% "without averaging" benchmark under § 563.13(a) by a retroactive transfer from retained earnings to the FIR on a selected prior annual closing date, if the institution could have met that benchmark requirement then as well as on all subsequent closing dates prior to the actual transfer. This new provision reflects the Board's recognition of the need for flexibility in meeting the 5% benchmark when fluctuations in the general economy produce periods of high savings inflow and concurrent low operating profits creating business hardship for institutions which must meet the 5% benchmark during such periods.

Present § 563.14 prohibits an insured institution's payment of dividends and interest on savings accounts if the institution's FIR is reduced below its required level by recognizing losses chargeable to the FIR, unless prior written approval is obtained from the Corporation. This section also provides Corporation approval for such payment by an institution which has: (1) been insured at least 20 years, (2) met its 5 percent benchmark, and (3) provided for transfer to FIR of at least 25 percent of net income. The proposal would replace these three requirements with one—that an institution have sufficient surplus and undivided profits to meet interest or dividend payments. This new requirement is intended to liberalize and make uniform the condition under which dividends or interest may be paid. Additionally, the proposal would change the phrase "recognized losses chargeable" to "identifiable losses chargeable" to the FIR to clarify that impending losses are to be absorbed by some net worth account (including the FIR) as soon as the probability of loss has been ascertained.

The Board also takes this opportunity to propose to revoke § 570.3, which would

become obsolete should the proposed amendments to § 563.11 be adopted, and to revoke paragraph (c) of § 570.4, which refers to an obsolete provision of the regulations.

Accordingly, the Board hereby proposes to amend § 563.11 by revising paragraph (a), revoking paragraph (b) and adding new paragraphs (b), (e), (f) and (g); to amend § 563.13 by redesignating existing paragraph (a) (2) as (a) (3) and adding new paragraphs (a) (2) and (a) (4); to revoke § 570.3 and paragraph (c) of § 570.4; and to amend § 563.14 to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by November 15, 1976, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

1. Revise paragraphs (a), (b), (e), (f) and (g) of § 563.11 to read as follows:

§ 563.11. Federal Insurance Reserve.

(a) *Establishment, composition, and use of FIR.* (1) *Establishment and composition of account.* Each insured institution shall establish and maintain a Federal insurance reserve account in accordance with Sections 563.12 and 563.13 of this Part. Each insured institution's Federal insurance reserve account may be composed of:

(i) Transfers to such account from the institution's net income or from net worth accounts other than capital stock and paid-in surplus, plus

(ii) All of any loss reserve account established by a State-chartered institution pursuant to State law, which by specific and appropriate corporate action, evidence of which is filed with the Corporation, such institution has permanently designated as part of its Federal insurance reserve account, plus

(iii) Those portions of such institution's capital stock or paid-in surplus which the institution has temporarily earmarked as part of its Federal insurance reserve account in accordance with paragraph (b) of this section.

(2) *Use of account.* Except as otherwise provided in paragraph (e) of this section, an insured institution may use its Federal insurance reserve account (including all earmarked accounts) solely for the purpose of absorbing losses or establishing specific loss reserves or valuation allowances. No insured institution may pay interest or dividends on savings from its Federal insurance reserve account.

(b) (1) *Temporary earmarking of capital stock and paid-in surplus.* An insured institution with a temporarily inadequate Federal insurance reserve account and no balance in any of its other net worth accounts available for transfer to its Federal insurance reserve account under paragraph (a) (1) (i) of this section may, by specific and appropriate corporate action and with the prior written approval of the Corporation, temporarily earmark as part of its Federal insurance reserve account any amount

of capital stock or paid-in surplus permitted by State law to be used at any time solely for absorbing losses or for establishing specific loss reserves or valuation allowances. Corporation approval of such temporary earmarking will only be given if there is no legal restriction or condition precedent to reduction of the balance available (represented by such stock or paid-in surplus) to absorb losses. Corporation approval will not be given to meet the requirement in § 563.13(a) (1) that an insured institution meet the 5 percent requirement on any one closing date prior to the 26th anniversary of its insurance of accounts. An insured institution which has temporarily earmarked capital stock or paid-in surplus as part of its Federal insurance reserve pursuant to this paragraph shall terminate such earmarking as soon as it can satisfy Federal insurance reserve requirements pursuant to one or more of the other provisions of this section.

(2) The Director of the Office of Examinations and Supervision is authorized to approve or disapprove earmarking under paragraph (b) (1) of this section on behalf of the Corporation. Such Director is also authorized to delegate to any Deputy Director of the Office of Examinations and Supervision the authority conferred by this paragraph (b) (2) under such circumstances and subject to such limitations as the Director may prescribe.

(c) * * *

(d) * * *

(e) *Release of Federal insurance reserve.* If an insured institution has a Federal insurance reserve account balance exceeding the level required by § 563.13 (a) of this Part at the close of business on its most recent annual closing date, such excess may be released, first by termination of temporary earmarking of capital stock or paid-in surplus, then by transfers to any of such institution's other net worth accounts. An insured institution which has met the 5 percent requirement of § 563.13(a) of this Part may not reduce its Federal insurance reserve below that level.

(f) *Reporting of Federal insurance reserve.* Each insured institution shall maintain corporate and accounting records which at all times clearly show the accounts or portions of accounts (including those temporarily earmarked pursuant to paragraph (b) of this section) and the amounts thereof included as part of its Federal insurance reserve account under subparagraph (a) (1) of this section. Each insured institution in each semiannual report of financial condition to the Corporation shall appropriately identify and report the total of its accounts included in its Federal insurance reserve account. In all reports to the public the total of an institution's net worth accounts stated as a reserve for losses or general reserves shall not be less than the amount held as its Federal insurance reserve.

(g) *Prior Provisions.* Effective [date of adoption of this regulation], accounts earmarked under prior provisions of this section may be transferred to an insured institution's Federal insurance reserve account or released from temporary earmarking with prior approval of

the Corporation: *Provided*, however, that the balance remaining in the Federal insurance reserve account meets the requirements of § 563.13(a). Clear records shall be kept of all transfers or release from earmarking.

2. Revise (a) (2) and (a) (4) of § 563.13 to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

(a) *Federal insurance reserve requirements.* (1) *Minimum required amounts.*

(2) (i) *Requirements upon merger.* The following reserve requirements apply to mergers of one or more insured institutions. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumptions of savings accounts and other liabilities; "merging institution" means any institution absorbed by merger; and "resulting institution" means the institution which continues its corporate existence after absorbing one or more merging institutions.

(ii) A resulting institution's reserve requirements under paragraph (a) (1) of this section are determined either by dividing the merging institutions' combined required reserves on the most recent annual closing date by such institutions' aggregate savings and checking account balances on such date, or by averaging such aggregate account balances on such closing date and on one or more of the 4 immediately preceding annual closing dates, provided all such dates are consecutive. A resulting percentage which is not an exact multiple of one quarter of one percent shall be increased to the next higher one quarter of one percent. This resulting percentage, or 5 percent, whichever is lower, shall be compared with the percentages in the table in paragraph (a) (1) of this section to obtain the resulting institution's anniversary year, which shall begin on the merger date.

(3) *Maintenance of minimum level.*

(4) *Retroactive transfer.* An insured institution with insufficient retained earnings available for transfer to its Federal insurance reserve account to meet the 5 percent requirement of § 563.13(a) may select a previous annual closing date for the purpose of a retroactive transfer from retained earnings to the Federal insurance reserve account if such retained earnings (exclusive of temporarily earmarked accounts) were sufficient to have met such 5 percent requirement on that previous date and on all subsequent annual closing dates prior to the actual transfer. Clear records supporting such transfer shall be maintained.

3. Revise § 563.14 to read as follows:

§ 563.14 Payment of dividends and interest where losses are chargeable to the FIR.

Except upon prior written approval of the Corporation, no insured institution with identifiable losses chargeable to its Federal insurance reserve account may declare dividends or pay interest on sav-

ings accounts unless such account, after deduction of identified losses, at least equals the amount required under § 563.13(a). The Corporation hereby approves the declaration of dividends or payment of interest on savings accounts by any such institution which has sufficient surplus and undivided profits to meet such dividend or interest payments.

4. Revoke § 570.3 as follows:

§ 570.3 Reserves: Federal insurance reserve: transfers from; undivided profits.

[Revoked]

5. Revoke § 570.4(c) as follows:

§ 570.1 Net Worth.

(c) [Revoked]

(Secs. 402, 403, 497, 48 Stat. 1259, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4931, 3 CFR 1943-48 Comp. 1671.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 76-23320 Filed 10-5-76; 8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 76-43; General Order 16]

MISCELLANEOUS AMENDMENTS TO RULES OF PRACTICE AND PROCEDURE

Enlargement of Time To File Comments

Notice of proposed rulemaking was published in this proceeding September 20, 1976 (41 FR 40504-40505). Council of European and Japanese National Shipowners' Association has requested a 60 day enlargement of time to comment. While a certain enlargement of time is warranted under the circumstances, the requested enlargement appears to be excessive. Accordingly, time within which comments may be filed is enlarged to and including November 15, 1976.

FRANCIS C. HURNEX,
Secretary.

[FR Doc. 76-23327 Filed 10-5-76; 8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

OFFICIAL MAIL

Contractor Use

Under the provisions of 39 CFR 111.3 the Postal Service proposes to revise the restrictions contained in 137.231e and 137.242 of the Postal Service Manual concerning the use of the "postage and fees paid" and "penalty" indicia for official mail. Under existing regulations, Government contractors may be furnished official envelopes and labels for convenience in submitting official information, or for delivery of official matter. In order to prevent the misuse of such envelopes and labels, the proposed regulations establish a licensing procedure to govern this use of official mail.

In recognition of the essential Government interests served by certain

contractors authorized to mail matter on behalf of Federal agencies, the proposed regulations allow a Government agency to apply for a special permit under which it may authorize printer-mailer contractors to use official envelopes and labels to mail, on behalf of the agency, matter printed at Government expense. Similarly, the proposed regulations allow a Government agency to apply for a special permit under which it may authorize other contractors to use official envelopes and labels for a specified time, or on a specific contract-by-contract basis. Unauthorized contractor use of official envelopes will not be allowed, and an agency will be granted a permit to authorize contractor use of official envelopes only after the agency has made adequate reimbursement arrangements with the Manager, Government Revenue and Examination Branch, Finance Department, United States Postal Service.

The proposed regulations also contain special information provisions to insure that the Postal Service receives adequate compensation for services provided to contractors and other private users of official envelopes and labels. Under the proposal, printer-mailer contractors, other contractors, and Government agencies will furnish information concerning contractor use of official envelopes in the manner and in the form directed by the Manager, Government Revenue and Examination Branch, Finance Department.

Interested agencies and persons who wish to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Government Revenue and Examination Branch, Finance Department, United States Postal Service, Washington, D.C. 20260. All comments received on or before November 8, 1976, will be considered by the Postal Service prior to taking action on the proposed regulations.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of the Postal Service Manual:

PART 137—OFFICIAL MAIL

1. Section 137.231e of the Postal Service Manual is revised to read as follows:

.231 Postage and fees paid.

e. Printed envelopes or labels marked "Postage and Fees Paid (name of department or agency)" and bearing the return address of a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following:

(1) Except as provided in 137.231e(2), e(3), and e(4), an office or officer authorized to use the official mail privilege may not loan or furnish "Postage and Fees Paid" envelopes or labels to any pri-

vate person, concern, or organization, or permit the use of such envelopes or labels for private benefit.

(2) An office or officer authorized to use the official mail privilege may furnish printed reply envelopes and labels, marked "Postage and Fees Paid (name of department or agency)" and preaddressed to a Federal Government office or officer, to a person, concern, or organization for convenience in submitting information for official purposes. Reply envelopes and labels may not be furnished for the transmission of merchandise, or to enable a person, concern, or organization to send without prepayment of postage report or other information primarily related to the business or benefit of any person, concern, or organization not listed in 137.231a above.

(3) An office or officer authorized to use the official mail privilege may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize printer-mailer contractors to use envelopes and labels marked "Postage and Fees Paid (name of department or agency)" to mail, on behalf of that office or officer, matter printed at Government expense. Any office or officer requesting a permit must furnish with the request all information the Manager considers necessary.

(4) An office or officer authorized to use the official mail privilege may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize non-printer-mailer contractors to use envelopes and labels marked "Postage and Fees Paid (name of department or agency)" for the delivery of official matter for a specified time, or in the performance of specific contracts with the office or officer. Any office or officer requesting a permit must furnish with the request all information the Manager considers necessary.

(5) The Manager, Government Revenue and Examination Branch, Finance Department, or his designee, shall review each request under 137.231e(3) or e(4) and permit the office or officer to authorize contractor use of official envelopes and labels for a period of one year if he determines that the office or officer has made adequate arrangements to reimburse the Postal Service for mail service provided to contractors. In making this determination, the Manager, or his designee, shall consider factors including, but not limited to, the following:

(a) Any relevant misuse of the official mail privilege, including previous contractor use of "Postage and Fees Paid" envelopes or labels for the transmission of nonofficial matter;

(b) The quality of previous compliance with official mail reimbursement instructions issued by the Manager under 137.21, including the accuracy of methods for estimating or measuring the volume of official mail;

(c) The practicability of obtaining adequate information to insure full reimbursement for the proposed contractor use of official mail; and

(d) The relative costs and benefits of the proposed contractor use of official mail to the Postal Service and to the office or officer involved.

(6) Official envelopes and labels used by any persons, concern, organization, or contractor, as provided in 137.231e(2), e(3), and e(4) must bear the printed return address of one of the authorized departments or agencies listed in 137.231a over the words "Official Business". No return name and address of a private person, concern, organization, or contractor may be shown. When a special service is required, the envelope or label must be preprinted with the type of special service desired. Users of official envelopes and labels may not add their own markings for these services.

(7) Offices and officers authorized to use the official mail privilege must reimburse the Postal Service for the private use of official envelopes and labels under 137.231e(2), e(3), and e(4), as provided in instructions issued and administered by the Manager, Government Revenue and Examination Branch, Finance Department. Federal Government offices and officers, and any contractors authorized by them to use official envelopes and labels, shall promptly furnish, in the manner and form requested, all information, including but not limited to contractor name, points and dates of mailing, classes, quantities, and single-piece weights of mail matter, the Manager considers necessary to insure accurate reimbursement to the Postal Service for private use of official envelopes and labels.

2. Section 137.242 of the Postal Service Manual is revised to read as follows:

.24 Use.

.242 Any office or officer authorized to use the official mail privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U.S. Government department or agency. Reply envelopes may not be furnished to bidders, or to enable a private person or concern to send without prepayment of postage reports or other information primarily related to the business or benefit of any person, concern, or organization not listed in 137.231a above. An office or officer may request the Manager, Government Revenue and Examination Branch, Finance Department, to issue a permit for that office or officer to authorize contractors to use official envelopes and labels as provided in 137.231e.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published after adoption of the proposal. (39 U.S.C. 401, 3201, 3206, 3209.)

Louis A. Cox,
General Counsel.

[FR Doc.76-29378 Filed 10-5-76;9:45 am]

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System manager and address:—Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification Procedure: The individual must provide full name, date of birth, and dates of employment with the Center to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: The employee on whom the record is maintained, prior employers, and FLETC.

[FR Doc.76-29383 Filed 10-5-76;8:45 am]

Internal Revenue Service

IMPLEMENTATION OF THE TAX REFORM ACT OF 1976

Invitation for Suggestions

The recent enactment of the Tax Reform Act of 1976 (Pub. L. 94-455) will cause a massive undertaking by the Internal Revenue Service to provide guidance to the public for compliance and to its own personnel for administration. As in the past, such actions will include the revision of forms and instructions, the revision of publications and booklets furnished to the public, the drafting of new and amended regulations, and the issuance of news releases. In order to best serve the public, the Internal Revenue Service would appreciate receiving suggestions for actions that should be taken and comments for contents of forms, instructions, regulations, etc. Such suggestions or comments should be submitted in writing (preferably three copies), as follows:

(1) Suggestions for publications and for the content of forms and instructions relating thereto should be sent to the Commissioner of Internal Revenue, Attention: T:FP, Washington, D.C. 20224.

(2) Suggestions for regulations should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

(3) Suggestions for news releases and other actions should be submitted to the Commissioner of Internal Revenue, Attention: PR:L, Washington, D.C. 20224.

Designations of material as confidential or not to be disclosed, contained in suggestions or comments, will not be accepted. Thus, persons submitting written suggestions or comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public.

Suggestions and comments should be submitted as soon as possible. In order to fulfill its obligations to the public on a timely basis, the Internal Revenue Service will not delay completing any pending or contemplated action in order to await the receipt of suggestions or comments.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

OCTOBER 4, 1976.

[FR Doc.76-29544 Filed 10-5-76;9:35 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FOLSOM DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Folsom District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Cameron Park Country Club, 3201 Royal Drive, Shingle Springs, California 95682, on October 26, 1976, at 10 am.

The meeting will be devoted to committee work in the development of recommendations on off-road vehicle regulations, grazing regulations, the South Yuba River Recreation Management Plan, the Fresno-San Benito Management Framework Plan and consideration by the full Board of such recommendations.

The meeting will be open to the public. Time will be made available beginning at 8 am. on October 27 for brief statements by members of the public; such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should inform the District manager at the address listed below. Written statements should be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Alan P. Thomson, District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Telephone (916) 985-4474.

Minutes of the meeting will be available at the Folsom District Office for public inspection and copying thirty days after the meeting.

ALAN P. THOMSON,
District Manager.

[FR Doc.76-29292 Filed 10-5-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DR. KENNETH S. NORRIS

Issuance of Permit for Marine Mammals

On July 12, 1976, notice was published in the FEDERAL REGISTER (41 FR 28566), as clarified on August 18, 1976 (41 FR 35008), that an application had been filed with the National Marine Fisheries Service by Dr. Kenneth S. Norris, University of California, Santa Cruz, Santa Cruz, California 95064, for a scientific research permit to take by inadvertent killing up to 340 porpoises, and to take by tagging up to 590 porpoises, and conduct research on the behavior of porpoises in the yellowfin tuna fishery.

It was estimated that porpoises of the following species might be killed during the proposed research:

Spotted dolphin (*Stenella attenuata*)
Spinner dolphin (*Stenella longirostris*)
Common dolphin (*Delphinus delphis*)
Striped dolphin (*Stenella coeruleoalba*)

Bottlenosed dolphin (*Tursiops truncatus*)
Risso's dolphin (*Grampus griseus*)
Short-finned pilot whale (*Globicephala macrorhynchus*)
Rough toothed dolphin (*Steno bredanensis*)
Fraser's dolphin (*Lagenodelphis hosei*)
Pygmy killer whale (*Feresa attenuata*)
Melon-headed whale (*Peponocephala electra*)

Notice is hereby given that, on September 27, 1976 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above described activities to Dr. Kenneth S. Norris, University of California, Santa Cruz, subject to certain conditions set forth herein.

Marine mammals taken as authorized by this Permit will be counted as part of the total number of porpoises which may be taken under quotas prescribed by § 216.24 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) which addresses taking and related acts incidental to commercial fishing operations.

This Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service,
3300 Whitehaven Street N.W., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731

Dated: September 27, 1976.

JACK W. GEHRINGER,
National Marine Fisheries Service.

[FR Doc.76-29271 Filed 10-5-76;8:45 am]

MYSTIC MARINELIFE AQUARIUM

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammals Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mystic Marinelife Aquarium, Mystic, Connecticut 06355, to take five (5) California sea lions (*Zalophus californianus*), three (3) Northern elephant seals (*Mirovunga angustirostris*), and two (2) grey seals (*Halichoerus grypus*) for public display.

If available the California sea lions will be chosen from beached or stranded animals nursed back to health by an approved facility.

Otherwise, the animals will be collected by a professional collector by use of hoop or snare nets in areas authorized by the State of California and National Marine Fisheries Service.

The Northern elephant seals will be chosen from beached and stranded stocks held by an approved facility.

The grey seals will be captured by a professional collector in Nova Scotia on Sable Island, the Basque Islands, or the Strait of Canso by means of hoop or seine nets.

The animals will be transported to the Mystic facility by commercial aircraft and truck.

The requested animals will be housed with other pinnipeds in a new complex consisting of 3 large open pools. Two of the 3 pools, 1600 square feet by 5.5 feet deep and 2250 square feet by 8 feet deep will be used for the requested pinnipeds. Both pools provide a haul-out area of 890 square feet and 1340 square feet, respectively.

In addition there is an enclosed salt water holding pool 100 square feet by 4 feet deep.

The facility is a profit making organization open daily to the public with an estimated 600,000 annual visitors.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 5, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 30, 1976.

HARVEY M. HUTCHINGS,
*Acting Associate, Director for
Resource Management, Na-
tional Fisheries Service.*

[FR Doc.76-29269 Filed 10-5-76;8:45 am]

STEVEN L. SWARTZ

Receipt of Application for Scientific
Research Permit

Notice is hereby given that the following Applicant has applied in due form

for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Mr. Steven L. Swartz, Field Associate, San Diego Society of Natural History, 1592 Sunset Cliffs, San Diego, California 92107, to conduct studies on gray whales (*Eschrichtius robustus*) in San Ignacio Lagoon, Baja California, Mexico.

The study will entail behavioral observations of the gray whale made from a 20 foot tower located near the mouth of the lagoon, observations from various other shore stations and, observations from small rubber boats powered with outboard engines. Included in the observations will be encounters between gray whales and commercial whale-watching boats.

The proposed research is directed toward developing observational techniques for the study of the gray whale in its winter range and provide documentation of encounters between gray whales and commercial whale-watch boats, in addition to collecting data on the distribution and abundance of whales in the lagoon area.

The gray whale (*Eschrichtius robustus*) is on the United States List of Endangered Species. It has been determined that this application is not under the provisions of the Endangered Species Act of 1973 in that the work is to be conducted in the territorial waters of another nation. The Applicant has received a permit from the Government of Mexico to conduct this study.

Documents submitted in connection with this application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 5, 1976. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the

views of the National Marine Fisheries Service.

Dated: September 28, 1976.

HARVEY M. HUTCHINGS,
*Acting Associate Director for
Resource Management, Na-
tional Marine Fisheries Serv-
ice.*

[FR Doc.76-29270 Filed 10-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration
INTERAGENCY COMMITTEE ON
EMERGENCY MEDICAL SERVICES

Cancellation of Meeting

In FR Doc. 76-27829 appearing at page 41773 in the issue for Thursday, September 23, 1976, the October 20 meeting of the "Interagency Committee on Emergency Medical Services" has been cancelled. The meeting will be rescheduled for November, and announcement made in the FEDERAL REGISTER accordingly.

Dated: September 30, 1976.

ARTHUR SCHWARTZ,
*Acting Associate Administrator
for Management.*

[FR Doc.76-29259 Filed 10-5-76;8:45 am]

National Institutes of Health MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Medical Laboratory Sciences Review Committee, National Institute of General Medical Sciences, on October 13-14, 1976, which was published in the FEDERAL REGISTER on September 23, 1976 (41 FR 41775).

This Committee was to have closed its meeting from 12 noon to 5:00 p.m. on October 14; however, due to an excessive amount of grant applications to be reviewed, this closed portion of the meeting will be extended through October 15.

Dated: September 28, 1976.

SUZANNE L. FREMEAU,
*Committee Management Officer,
National Institutes of Health.*

[FR Doc.76-23357 Filed 10-5-76;10:36 am]

Office of the Secretary PRIVACY ACT OF 1974

Systems of Records and Notice of
Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following new and modified notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. The modification consists of an additional routine use to provide for disclosure to state audit agencies, as specified in the notice. This addition pertains to two sys-

tems, namely, Claims Folders and Post-adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA, SSA PO RSI 0175.04 and Initial and Continuing Disability Determination File HEW SSA, SSA PO DI 0275.02. These systems are currently ongoing and the additional information in the notices is indicated by italics. In addition, the new notice for Service Officer Demonstration Project HEW SSA, SSA EA IRPC 0176.00 is presented. A new system report was filed for the new system with the Director, Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on August 5, 1976.

Prior to the final adoption of the proposed new and additional routine uses of these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before November 5, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: September 30, 1976.

THOMAS S. McFEE,
Acting Assistant Secretary for
Administration and Management.

SSA-PO-DI-0275.02.

System name: Initial and Continuing Disability Determination File HEW SSA.
Security class: None.

System location: Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

Categories of individuals covered by the system: Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or non-continuance) of disability.

Categories of records in the system: Name and social security number of wage earner, claimant's name and address, sex, date of birth, race, marital status, number of children (if applicable), alleged onset date of disability, diagnosis, beginning and ending of prescribed period of disability, quarters of coverage under Social Security Act, basis for determination, vocational background information, number of years in occupation, education level, reexamination date (if applicable), and date of application. Also, name and title of persons making or reviewing the determination, and certain administrative data. These records are snap-out type forms having multiple carbon copies. One of these copies, designated as the "State Agency Copy", is retained

by the Disability Determination Service (formerly known as State agencies).

Authority for maintenance of the system: 5 U.S.C. 301, 20 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act, and 42 U.S.C. 421, 1833, 1834 under which each State may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disability Determination Services claims personnel utilize the information after the claims file itself has left the possession of the Disability Determination Service for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

State audit agencies utilize this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Carbon copies of Forms SSA-831 and SSA-833 are maintained in sectionalized files.

Retrievability: Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

Safeguards (access controls): Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

Retention and disposal: May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in inactive storage under security measures for a longer period.

System manager(s) and address: Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B.

Notification procedure: Disability determination Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B. Requester should furnish identifying information: name, social security number, address.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedure are in accordance with Department Regulations (45 CFR, 5b.6) FED-

ERAL REGISTER, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures: Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Sec. 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories: These records summarize information contained in the file folder, which was obtained from the individual or someone acting on the individual's behalf and from the individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

Systems exempted from certain provisions of the act: None.

SSA PO RSI 0175.04

System name: Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

Security class: None.

System location: Retirement and survivors Insurance Claims; Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims; Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A). Black Lung Claims; Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age—Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind: Benefits—Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or

branch office information, see Appendix F.

Categories of individuals covered by the system: Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system: The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to report of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system: Payment of benefits is directed by the following sections: Sections 202(a)-(1), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Routine uses of record maintained in the system, including categories of users and the purposes of such uses: Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representatives payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services), for investigating alleged theft, forgery, or unlawful negotiation of social security checks, and for purposes of garnishment to provide child support or alimony in accordance with a properly executed garnishment action in accordance with 47 U.S.C. 659.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State Welfare Departments for administering Sections 205(c) (2) (B) (i) (II) and 402(a) (25) of the Social Security Act requiring information about

assigned social security numbers for Aid to Families with Dependent Children program purposes only.

q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

r. State Vocational Rehabilitation agencies for rehabilitation services.

s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.

u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

w. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.

x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

bb. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability: Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, reviewing containing documents for making normal administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record system for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers, Division of International Operations, or the Bureau of Disability Insurance).

Safeguards (access controls): Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal: The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates; 5-year retention-no record-of surviving potential beneficiaries; 20-year retention-withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention-potential future claimants indicated in the file. When a subsequent claim is filed on the social security number the claim is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security

Administration as necessary in the administration of the social security programs.

System manager(s) and address (include ZIP Code):

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure: Contact the most convenient social security office (see Appendix F for address and telephone information).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notifications and access procedures are in accordance with Department Regulations (45 CFR, 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410).

Record access procedures: In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and the place the claim was filed; and his return address or his telephone number.

Contesting record procedures: If upon review of the record, the individual wishes to contest any part of it, he may do so at the same office where he accessed the record. Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.7 FEDERAL REGISTER, October 8, 1975, page 47411)).

Record source categories: This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the Act: None.

SSA EA IRPC 0176.00

System name: Service Officer Demonstration project—HEW, SSA.

Security class (if none, so state): None.

System location: Service Officers' offices, Boston, Massachusetts; Atlanta, Georgia; Seattle, Washington; Dallas, Texas.

Office of the contractor, name and address not yet determined.

Categories of individuals covered by the system: Members of the public who contact the Service Officers about their social security related problems or complaints or who call to ask questions about social security.

Categories of records in the system: Detailed record of contact, relevant information assembled by the Service Officer, survey questionnaires administered to persons contacting the Service Officers and to eligible persons who don't use their services.

Authority for maintenance of the system: Section 205(a), Social Security Act (42USC405(a)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records maintained by the Service officer will be used to document contacts, and resulting follow-up activities by the Service Officer in regards to these contacts. A contractor will conduct surveys of probability samples of users, non-users, etc. The survey data collected will be for statistical reasons. Also, the contractor will process Service Officer generated forms for historical data, statistical and sampling purposes. Therefore, routine disclosure will be made to the contractor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Service Officer generated forms, survey questionnaires, computer tape and cards.

Retrievability: By name and/or social security number, date of contact with Service Officer.

Safeguards (access controls): The records are subject to the same rules and safeguards as all other records created and maintained by SSA. Information collected by the Service Officers can be made available to SSA personnel on a need-to-know basis. All personnel having access to records will be notified of criminal sanctions for unauthorized disclosure on individuals. The contractor will delete identifying information from statistical data tapes. Statistical survey information collected by the contractor will in no way influence a person's entitlement to present or future benefits. The contractor will permit authorized personnel to have access to the data.

Retention and disposal: If a claims folder exists for an individual, duplicates of any Service Officer generated records for that person will be put into his or her claims folder. In all other instances, information containing a personal identifier which may be retained by the Service Officer will be destroyed at the conclusion of the demonstration period.

System manager(s) and address (include zip code):

Director, Office of Intergovernmental Relations and Public Concerns, Office of External Affairs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure: For purposes of notification, write the systems manager: He will need name, social security number and date of contact with the Service Officer, and compliance with regulations on verification of identity. Furnishing the social security number is voluntary but it will make searching for the individual's record easier and avoid delay.

Record access procedures: Same as notification procedure in item 11.

Contesting record procedures: Same as notification procedure in item 11.

Record source categories: The Master Beneficiary Record, the Supplemental Security Income Record, persons contacting the Service Officer, collateral sources, statistical surveys, as well as claims folders and other records maintained by SSA Program Service Centers, District Offices, and other SSA components.

Systems exempted from certain provisions of the act (if none, so state): None.

[FR Doc.76-29266 Filed 10-1-76; 11:29 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration
[Docket No. NFD-365]

MISSOURI

Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 24, 1976, the President declared an emergency as follows:

I have determined that the impact of a drought on the State of Missouri is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Missouri. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Francis X. Tobin, FDAA Region VII, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas to have been adversely affected by this declared emergency:

The Counties of:

Adair
Andrew
Audrain
Bates
Benton
Boone
Buchanan
Butler
Caldwell
Calloway
Camden
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cole
Cooper
Crawford
Dallas
Davless
De Kalb
Dent
Franklin
Gasconade
Gentry
Grundy
Harrison
Henry
Hickory
Howard
Jackson
Jefferson
Johnson

Knox
Laclede
Lafayette
Lincoln
Linn
Livingston
Macon
Marion
Marion
Miller
Moniteau
Monroe
Montgomery
Morgan
Nodaway
Osage
Pettis
Phelps
Pike
Platte
Pulaski
Ralls
Randolph
Ray
St. Charles
St. Clair
St. Louis
Saline
Schuyler
Shannon
Shelby
Warren
Washington
Worth
Wright

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: September 24, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc.76-29283 Filed 10-5-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 36; Notice 76-12]

BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

Delegation of Authority of the Chairman

Pending the designation of an acting Chairman or until further notice, the Executive Secretary of the Department of Transportation Board for Correction of Military Records of the Coast Guard is hereby delegated authority to exercise the functions of the Chairman of the Board.

Effective date. This delegation is effective October 1, 1976.

(10 U.S.C. 1552; (49 U.S.C. 1655(b).)

Issued in Washington, D.C., on October 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29368 Filed 10-5-76; 8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 24582 and 29132]

ALLEGHENY AIRLINES, INC. AND PIEDMONT AVIATION, INC.

Order Consolidating and Setting Applications for Hearing in Accordance With Subpart M Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

On April 21, 1975, Allegheny Airlines, Inc. filed a revised application,¹ pursuant to Subpart M of the Board's Rules of Practice, requesting an amendment of its certificate of public convenience and necessity for Route 97 so as to permit the carrier to provide, on a subsidy-ineligible basis, nonstop service between Cincinnati, Ohio, and Washington, D.C.² By Order 76-3-105, March 16, 1976, the Board set Allegheny's application for further proceedings pursuant to the provisions of Subpart M.

Answers in support of Allegheny's application have been filed by the Philadelphia Parties³ and the Cincinnati Parties.⁴ Answers in opposition to Allegheny's application have been filed by American Airlines, Trans World Airlines, and Piedmont Aviation. American, Allegheny, and the Cincinnati Parties have filed replies to the answers.

On April 12, 1976, Piedmont filed an application (Docket 29132) requesting amendment of its certificate of public convenience and necessity for Route 87 so as to authorize it to engage in nonstop air transportation between Washington and Cincinnati, and a motion to consolidate that application with Allegheny's application in Docket 24582. An answer in support of Piedmont's application has been filed by the Norfolk Port and Industrial Authority. American and Allegheny have filed answers in opposition to Piedmont's application and motion to consolidate, and Piedmont has filed a consolidated reply to those answers.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that Allegheny's application should be set for hearing under the procedures prescribed by Subpart M, and that the application of Piedmont in Docket 29132 should be consolidated with Allegheny's application in Docket 24582.

¹ Allegheny originally filed for the authority in issue on June 30, 1972. Further procedural steps with respect to that application were stayed pursuant to Order 72-7-46, July 14, 1972. Allegheny's revised application was filed in response to Order 75-3-14, March 6, 1975.

² Allegheny's current Cincinnati-Washington authority is subject to a one-stop restriction. Allegheny's certificate does, however, permit nonstop service between Cincinnati and Baltimore, and Allegheny currently provides such service.

³ The City of Philadelphia and the Greater Philadelphia Chamber of Commerce.

⁴ The City of Cincinnati, the Greater Cincinnati Chamber of Commerce, and the Kenton County Airport Board.

As Allegheny has not submitted sufficient information for us to determine the environmental consequences of its application, we will require Allegheny to file the information set forth in Part 312 of the Board's Procedural Regulations within 25 days of the date of adoption of this order.⁵

Accordingly, it is ordered That: 1. The application of Allegheny Airlines in Docket 24582 be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereinafter designated, as the orderly administration of the Board's docket permits;

2. The motion of Piedmont Aviation to consolidate its application in Docket 29132 with Allegheny Airlines' application in Docket 24582 be and it hereby is granted; and

3. Allegheny Airlines shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 25 days of adoption of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29311 Filed 10-5-76; 8:45 am]

[Docket 29666; Order 76-10-3]

BRITISH AIRWAYS

Transatlantic Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October, 1976.

By tariff revisions filed September 3, 1976, for effectiveness October 3, 1976, British Airways proposes reduced rates for specific commodity item no. 4316 (data processing equipment) from New York to London and Glasgow. The rates, at 94 cents per kilogram, would apply to shipments with a minimum weight of 2,000 kgs. In justification for its filing, British Airways asserts that these rates are necessary to prevent diversion of U.S.-U.K. shipments to indirect routings via continental European points using New York-Paris and New York-Frankfurt high-weightbreak (34,000 and 42,500 kgs.) freight-all-kinds (FAK) rates with a surface backhaul to the U.K.

A complaint requesting suspension pending investigation of the rates has been filed by Seaboard World Airlines, Inc. (Seaboard). Seaboard alleges that computer equipment is a high value commodity which does not require reduced rates to attract more air traffic; that the proposed 2,000 kg. rates reflect a six-percent reduction from existing 1,000-kg. rates for this item, and are unreasonably low compared to rates for similar high-value commodities; that the proposed rates are clearly uneconomic based on a New York-London yield of 24.7 cents per revenue ton-mile (rtm) compared to Seaboard's transatlantic costs of 25.4 cents per rtm for the first quarter, 1976;

that comparing the proposed commodity rates with the existing FAK rates is unrealistic since the former are for loose cargo while the latter are container rates and require a minimum density of 10 lbs/cu.ft.; and that, as Seaboard can best determine based on surface rate data available to it in its New York offices, the proposed rates would undercut the combination of U.S.-Europe FAK rates plus Europe-U.K. surface rates they are purported to match.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal, and consequently the request for suspension will be denied and the complaint dismissed.

It does not appear unlikely that shipments of U.S.-U.K. data processing equipment are subject to diversion via third countries using a surface backhaul, considering the volume in which this commodity moves; the disparity between the current item 4316 specific commodity rate (\$1.00 pr kg., New York-London/Glasgow) and the high-weightbreak FAK rates (71.79 to 73.89 cents per kg., New York to Paris or Frankfurt and other German points); and the availability of significant all-cargo capacity, including B747-F equipment, to France and Germany. Seaboard has not presented sufficient evidence to refute British Airways' contention that such diversion is, in fact occurring.¹ In presenting an example of a FAK/surface rate combination which Seaboard alleges would be greater than the proposed commodity rate, the carrier has relied solely on a combination over Frankfurt, although the New York-Paris FAK rates are lower than the New York-Frankfurt FAK rates (71.79 versus 73.70 cents per kg. at 42,500 kgs., for example). Because Paris is considerably closer to London than is Frankfurt, the Paris-London surface rate would also be lower than the Frankfurt-London surface rate, and thus Paris would be the more logical combination point. We note further that Cologne and Dusseldorf, which are also closer to London than is Frankfurt and hence presumably take a lesser surface rate to London, are common-rated with Frankfurt for the FAK rates from New York.

As to the reasonableness of the proposed rate levels *per se*, we note that in its analysis of British Airways' 94 cents-per-kg. proposal Seaboard relies solely on the resulting yield as it applies to New York-London but ignores the proposed New York-Glasgow yield of 26.6 cents per rtm which is over seven percent higher and compares favorably with Seaboard's stated cost of 25.4 cents per rtm. British Airways indicates that Glasgow is the primary destination point, not London. Seaboard also compares the proposed rates with the FAK rates which, as noted, are container rates for very high

¹ Additionally, to the extent that diversion via France or Germany occurs, Seaboard would not necessarily be aware of it since shipments consigned to the shipper's own agent or to a forwarder in France or Germany would be on-forwarded to London after having passed out of Seaboard's control.

weightbreaks and presumably reflect cost savings not available under the 2,000 kg. bulk commodity rates proposed by British Airways. Were this a case where the filing carrier was simply attempting to match a container rate with a commodity rate which did not reflect the same cost savings, we would be inclined to view the matter in a different light. However, the reasonableness of the FAK rates is currently under investigation and as indicated above there is a likelihood of diversion of U.S.-U.K. traffic via circuitous third country routings; in these circumstances we are reluctant to deny British Airways the opportunity to compete for this U.S.-U.K. traffic. At the same time, the Board expects that in the future all carriers making allegations about diversion of traffic via third country routings will be more forthcoming with accurate, verifiable data on all surface and/or air rates involved in the alleged combinations.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered that: The complaint of Seaboard World Airlines, Inc., in Docket 29666 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29312 Filed 10-5-76; 8:45 am]

[Docket 28744]

CONTINENTAL AIR LINES, INC.

Segment 3, Route 29 Service

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 16, 1976, at 9:30 am (local time), in the City Council Chambers, City Administration Office, 1301 Sixth Street, Wichita Falls, Texas, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 17, 1976, and other documents, which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 30, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-29310 Filed 10-5-76; 8:45 am]

[Docket 21950; Order 76-9-103]

UNITED AIR LINES, INC.

Inter-carrier Discussion Authority; Order Extending Discussion Authority and Amending Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1976.

⁵ Piedmont has submitted an environmental evaluation for its proposed service in its answer to Allegheny's application.

On August 14, 1976, Congress enacted the *Department of Transportation and Related Agencies Act of 1977*.¹ Section 318 of that Act states:

Such funds as may be necessary shall be utilized from the appropriations hereinabove made available to the Federal Aviation Administration and to the Civil Aeronautics Board for the preparation of a plan to coordinate as promptly as possible the use of Midway Airport with O'Hare Airport in Chicago, Illinois, for service by airline carriers in order to relieve air traffic congestion and to promote air safety in that area.

Intercarrier discussions regarding the expansion of service at Midway Airport were first authorized by the Board by Order 70-4-40, dated April 8, 1970. Initially, the participants to these discussions were limited to those carriers serving O'Hare Airport (although those carriers serving Chicago only through Midway Airport were permitted to attend as observers), and the scope of the discussions was limited to the proposed transfer of flights from O'Hare to Midway. At the time, the Board found that these discussions were in the public interest in that increased service to Midway would increase the convenience of air travel for a substantial portion of Chicago's local and connecting market and might also alleviate crowded conditions at O'Hare. Moreover, it was concluded that it was unlikely that these desirable results could come from unilateral carrier action.

Pursuant to the above authorization, an agreement was reached whereby the number of daily departures at Midway was increased from 38 to 83 in September of 1970. Although the Board approved this agreement (see Order 70-7-123, dated July 27, 1970), it expressed concern that substantially more flights had not been transferred to Midway and indicated that the carriers had a responsibility in the public interest to increase Midway frequency levels further.

By Order 72-10-85, dated October 26, 1972, the Board authorized a reopening of the Midway discussions and in so doing broadened the basis for these discussions to include the discussion of a "clean-slate" of flights into and out of Midway, as well as the transfer of existing flights from O'Hare. In these discussions, the Board permitted the carriers to disclose traffic data regarding operations at both Midway and O'Hare, including connecting passenger information. However, the Board prohibited discussions aimed at precluding or limiting service at Midway or any other airport.

Thereafter, by Order 73-7-11, dated July 5, 1973, the Midway discussion authority was broadened to include matters dealing with possible limitations on the quantity of service offered at O'Hare as a means of enhancing the pattern of service operated at Midway Airport.² However, the carriers were unsuccessful in formulating a scheme aimed at in-

creasing scheduled activity at Midway Airport. Indeed, the economic conditions facing the airline industry in general and the fuel situation at that time, in particular, caused a decrease in the number of scheduled departures at Midway to a level well below that which existed when the discussions first began.³

On February 27, 1976, United Air Lines, Inc. (United), petitioned for issuance of an order authorizing the reopening of intercarrier discussions concerning the expansion of service at Midway Airport among those carriers presently serving Chicago through Midway and/or O'Hare International Airports. In its petition, United advised the Board that the Mayor of Chicago recently met with representatives of all the scheduled carriers authorized to serve Chicago and requested that they attempt once again to expand service and schedules at Midway.

In view of the foregoing, United requested that an order be issued authorizing a reopening of the Midway Airport discussions for a period of 90 days. Consistent with the Board's prior authorizations in this regard, United asked that all scheduled carriers authorized to serve Chicago be permitted to participate; that these carriers be permitted to disclose traffic data concerning operations at both Midway and O'Hare, including connecting passenger information; and that the authority permit discussion aimed at producing a workable inter-connecting flight system at Midway, including possible limitations on the quantity of service offered at O'Hare as a means of enhancing the pattern of service operated at Midway Airport.

By Order 76-4-6, dated April 1, 1976, the Board authorized a reopening of intercarrier discussions regarding the expansion of service at Midway Airport for a 90-day period. Subsequently, by Order 76-7-7, dated July 2, 1976, the authority to hold discussions was extended for an additional 90-day period.

Pursuant to this authorization the carriers have held several meetings and United has advised that they have reached general agreement on the following points: (1) the schedules operated in the 1972-1974 period were, with a few exceptions, not profitable; (2) if the 1972-1974 schedules were to be resumed immediately, they would probably be less successful than they were originally; (3) no carrier has information that would induce it to provide Midway schedules in the near term; (4) Midway must be served relatively soon if the airport is to be available for future needs; (5) a Midway schedule pattern must make sense to the carriers and to their customers so that some success, and thus service stability, can be achieved; (6) Midway schedules should be based primarily on local traffic destined to and from Chicago—connecting business may develop but it will not be significant to the design of the basic pattern; and (7) little in-

formation about Chicago airport preferences is available and thus, the inducements required to shift present travelers from O'Hare to Midway and the resulting percentage of customers who would be expected to use Midway flights are unknown.

In an effort to shed some light on the latter point, the City of Chicago, through its consultant, and the carriers have undertaken an economic study, the objective of which is a determination of whether sufficient numbers of passengers who now use O'Hare would use Midway and under what circumstances. Within this broad objective, the carriers hope that a definition of passenger motivations, needs, wants, expectations and travel patterns can be determined. The carriers have agreed that a three-phase investigation is in order. It is expected that the initial phase of the study will be completed by September 22, with accomplishment of all phases by December 1, 1976. By the latter date, then, the carriers should have sufficient data on which to base a decision regarding the transfer of flights to Midway.

It appears to the Board that the long-term success of any transfer of flights from O'Hare to Midway must be based upon economic incentives. One of the major problems in the transfer of operations from O'Hare to Midway is the passenger preference for the wide variety of connecting services available at O'Hare. It is these connecting passengers who, along with local traffic, combine to permit economic operations. Without this larger volume of connecting passengers, the economic results of scheduled service at O'Hare would deteriorate. The carriers and the community now apparently recognize this fact and are actively seeking to identify and quantify the economic incentives involved. Therefore, we believe the present carrier discussions hold forth the best opportunity to achieve a long-term solution to the O'Hare-Midway problem.

On the other hand, Congress has expressed its concern with the overall O'Hare-Midway situation and has directed the Board to prepare a plan to coordinate, as promptly as possible, the carrier use of Midway with O'Hare in order to relieve air traffic congestion and to promote air safety in that area. The carriers now feel that they will have by December 1, 1976, the information necessary to make a decision regarding the transfer of flights to Midway. However, assuming the answer is affirmative, a further period of time will be necessary before a plan can actually evolve. Accordingly, upon consideration of all relevant facts, it is concluded that an extension of the instant authority to hold discussions is in the public interest, and it will therefore be extended through January 14, 1977, subject generally to the conditions imposed in previous orders. We shall, in addition, require special reports apprising the Board of the carriers' actions on the matter.

Accordingly, it is ordered that: 1. Authority to engage in intercarrier discussions concerning service to Midway Airport be and it hereby is granted, subject to the following conditions:

¹ Pub. L. 94-387.

² The Board indicated, however, that any discussions of flight limitations at O'Hare should deal only with aggregate movements and should not focus on any particular markets or segments.

³ At the present time Delta Air Lines is the only scheduled carrier providing service at Midway Airport. During the second quarter of 1976, Delta performed 157 of 168 scheduled departures.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1550-D]

HIGH PERFORMANCE FUEL LABORATORY, HANFORD RESERVATION, RICHLAND, WASHINGTON

Availability of Draft Environmental Statement

Notice is hereby given that the Energy Research and Development Administration (ERDA) has issued the Draft Environmental Statement, ERDA-1550-D, High Performance Fuel Laboratory (HPFL), Hanford Reservation, Benton County, Richland, Washington, pursuant to ERDA's implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of the project which has been included in the ERDA Fiscal Year 1977 Appropriations Act. The statement addresses the potential environmental impacts associated with the construction and operation of the HPFL which will be a pilot scale facility used to support the fuels development effort in the liquid-metal fast breeder reactor program.

Copies of the draft environmental statement have been distributed for review and comment to appropriate Federal, Washington State and local agencies and organizations and individuals who are known to have an interest in the project. Copies of the statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW, Washington, D.C.
Albuquerque-Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the draft environmental statement are requested from other interested agencies, organizations and individuals. Single copies of the statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, Energy Research and Development Administration, Washington, D.C., 20545, (301) 353-4241. Comments should be sent to the same address.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. However, it would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft environmental statement. Emphasis should be placed specifically on

the assessment of the environmental impacts of the proposed project, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the proposed action. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of comments received on the draft environmental statement will be placed in the above referenced public document rooms for inspection and will be considered in the preparation of the final environmental statement if received on or before December 6, 1976.

Dated at Germantown, Md., this 30th day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for
Environment and Safety.

[FR Doc.76-29256 Filed 10-5-76;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 786]

SECRETARY TO THE GOVERNOR, SECRETARY AND LEGAL ASSISTANT, AND SECRETARY

Delegation of Authority to Authenticate Documents, Certify Official Records, and Affix Seal

SEPTEMBER 30, 1976.

1. Helen E. McWilliams, Secretary to the Governor, P. Patricia Bonnefond, Secretary, and Legal Assistant, and Barbara V. Mitchell, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective October 1, 1976, and on that date shall supersede Farm Credit Administration Order No. 786, dated May 2, 1975, 40 FR 19873.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.76-29273 Filed 10-5-76;8:45 am]

(a) Participation in these discussions shall be open to all scheduled air carriers authorized to serve Chicago;

(b) This authorization shall not be construed to include any discussions of rates, fares, charges, or in-flight or other services offered in connection with air transportation;

(c) The authority granted herein shall not be construed as authorizing discussion of any limitation upon services which may be offered at Midway or any other airport at Chicago or elsewhere;

(d) The Civil Aeronautics Board, the Mayor of the City of Chicago, representatives of the Department of Aviation of the City of Chicago and the Chicago Association of Commerce and Industry, and representatives of any other government agency or person expressing an interest shall be permitted to attend the discussions as observers;

(e) The discussions shall be held in Washington, D.C., or Chicago, Ill., and a notice of each meeting shall be served on all parties eligible to participate therein and on those persons named in (d) above, at least 7 calendar days prior to such meeting;

(f) The air carrier participants in these discussions shall file with the Board's Docket Section:

i. Within 14 days after the close of each meeting, including meetings of any special committees or groups, three copies of transcripts of the meetings (copies of the transcripts shall be made available promptly for purchase by the persons named in (d) above); and

ii. By November 3 and December 3, 1976, and January 5, 1977, three copies of a statement outlining as of the end of the previous month the status of the three-phase investigation, the carriers' conclusions on the data produced by the study, the timetable for such future actions as are contemplated, and a summary of any other pertinent information;

(g) Any agreement reached as a result of these discussions shall be filed with the Board for prior approval under § 412 of the Federal Aviation Act, and a copy thereof shall be served on the parties to the discussions and on those persons named in (d) above; and

(h) The relief granted herein shall expire on January 14, 1977;

2. Copies of this order shall be served on all scheduled carriers authorized to serve the City of Chicago, the Mayor of the City of Chicago, the Department of Aviation of the City of Chicago, and the United States Departments of Transportation and Justice, the Federal Aviation Administration, the United States Postal Service, and the Bureau of Customs;

3. The authority granted herein may be revoked or modified at any time by the Board without notice of hearing;

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29313 Filed 10-5-76;8:45 am]

*Minetti and West, Members concurring. Statement filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20910, etc.; File No. BR-4723, etc.]

FAULKNER RADIO, INC./

Applications for Hearing; Correction

Released: October 1, 1976.

For Renewal of Licenses for Station WAOA, Opelika, Alabama, Docket No. 20910, File No. BR-4723; Station WERI (FM), Auburn, Alabama, Docket No. 20911, File No. BRH-2748; Station WBCA, Bay Minette, Alabama, Docket No. 20912, File No. BR-3448; Station WWSM(FM), Bay Minette, Alabama, Docket No. 20913, File No. BRH-1629; Station WGAA, Cedartown, Georgia, and Docket No. 20914, File No. BR-1142; Station WBTR-FM, Carrollton, Georgia, Docket No. 20915, File No. BRH-1705.

In FR Doc. 28447, appearing on page 42975 in the issue of Wednesday, September 29, 1976, on Page 42976, the caption and paragraph 1 is corrected to reflect that Station (WBTR(FM)) is licensed to Carrollton, Georgia.

FEDERAL COMMUNICATIONS COMMISSION.

VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29278 Filed 10-5-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Boiler Combustion Efficiency Requirements Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Boiler Combustion Efficiency Requirements Plan requires boiler owners with boilers of a specific size to operate within FEA standards of combustion efficiency.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2) (C), National Environmental Policy Act, 42, U.S.C. 4332(2) (C)).

Single copies of the environmental assessment of the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be

available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IU, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Emergency Boiler Combustion Efficiency Requirements Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29243 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Commuter Parking Management and Carpooling Incentives Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, sections 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Commuter Parking Management and Carpooling Incentives Plan restricts and curtails the available inventory of parking spaces for commuter vehicles and thereby discourages the use of single occupancy vehicles for commuter travel. This measure, directed at both commercial and employer provided parking, is expected to cause a decrease in total commuter vehicle miles traveled.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2) (C), National Environmental Policy Act, 42 U.S.C. 4332(2) (C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IW, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Emergency Commuter Parking Management and Carpooling Incentives Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29246 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Heating, Cooling, and Hot Water Restrictions Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, sections 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Heating, Cooling, and Hot Water Restrictions Plan requires public, commercial, and industrial building owner/operators to: (1) maintain thermostats for heating at no higher than 65° F and for cooling at no lower than 80° F and (2) maintain thermostats at no higher than 105° F for heated water used for personal consumption.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA)

has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the Emergency Heating, Cooling, and Hot Water Restrictions Plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IX, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment, Emergency Heating, Cooling, and Hot Water Restrictions Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29245 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan provides for various restrictions on the use of natural gas for outdoor lighting and the use of natural gas or electricity for illumination of advertising signs and window displays.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box II, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment, Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-29247 Filed 10-1-76;9:30 am]

ENERGY CONSERVATION CONTINGENCY PLANS

Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan; Negative Determination of Environmental Impact

The Federal action considered is the submittal of an energy conservation contingency plan for potential implementation during a severe energy supply interruption. This plan is submitted to Congress for approval as authorized under Title II, Part A, section 201 and 202 of the Energy Policy and Conservation Act, 42 U.S.C. 6261, 6262.

The Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan provides for restrictions

on the sale of gasoline and diesel fuel on weekends during hours to be specified by FEA at the time of implementation. Commercial and emergency vehicles are exempt from this restriction.

Based upon the environmental assessment of the impact that would result from implementation of this plan during a severe energy supply interruption, the Federal Energy Administration (FEA) has determined that this action will not be a "major Federal action significantly affecting the quality of the human environment" (Section 102(2)(C), National Environmental Policy Act, 42 U.S.C. 4332(2)(C)).

Single copies of the environmental assessment on the energy conservation contingency plan are available upon request from the FEA Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the environmental assessment will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box IV, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions Plan." Fifteen copies should be submitted. All comments should be received by FEA by October 27, 1976, in order to receive full consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., September 30, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.
[FR Doc.76-29244 Filed 10-1-76;9:30 am]

FEDERAL HOME LOAN BANK BOARD

[No. 76-727-A]

CENTRAL CITY FEDERAL SAVINGS AND LOAN ASSOCIATION, LOS ANGELES, CALIFORNIA

Appointment of Conservator

SEPTEMBER 23, 1976.

Notice is hereby given that on September 23, 1976, the Federal Home Loan Bank Board by Resolution No. 76-723

did appoint Fred M. Stone as Conservator for Central City Federal Savings and Loan Association, Los Angeles, California, pending further disposition of said Association and its affairs, and, as such Conservator, to have and exercise all the powers, rights, and privileges, and assume and perform all of the duties and responsibilities of the Conservator accorded or imposed by and subject to the provisions of law, the rules and regulations for the Federal Savings and Loan System, and orders issued by the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-29318 Filed 10-5-76;8:45 am]

[No. AC-18]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF SUMNER COUNTY, WELLINGTON, KANSAS

Approval of Conversion; Final Action

SEPTEMBER 30, 1976.

Notice is hereby given that on September 30, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation by Resolution No. 76-755, approved the application of First Federal Savings and Loan Association of Sumner County, Wellington, Kansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, Seventh and Harrison Streets, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-29319 Filed 10-5-76;8:45 am]

FEDERAL MARITIME COMMISSION MOORE-MCCORMACK LINES, INC. AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 26, 1976. Any person desiring a hearing on the

proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Hubert F. Carr, Vice President, Secretary & General Counsel, Moore-McCormack Lines, Incorporated, Two Broadway, New York, New York 10004.

Agreement No. 10263, between Moore-McCormack Lines, Incorporated (Mooremac) and Prudential Lines, Inc. (PLI), is an agency agreement whereby Mooremac appoints PLI to act as its agent in the States of California, Washington, Oregon, Idaho, Nevada, New Mexico, Montana and Utah and the Canadian Province of British Columbia on the terms and conditions and to the extent set forth therein.

Dated: October 1, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29320 Filed 10-5-76;8:45 am]

MED-GULF CONFERENCE Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances

said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 9522-28, among the members of the above-named conference modifies the basic agreement by abolishing the present rate committee covering Puerto Rican traffic. It further establishes two (2) separate Puerto Rican rate committees—one from Spanish ports, including ports north of Portugal, and the other, from ports in the balance of the agreement's European geographic scope. It further clarifies the scope of several advisory committees and deletes one advisory committee.

Dated: October 1, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29325 Filed 10-5-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-526]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 29, 1976.

Take notice that on September 17, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-526 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7 (b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of gas-purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing facilities to connect the facilities of an independent producer or other similar seller, authorized to make a sale for resale of natural gas in interstate commerce, with the system of Applicant or the system of another natural gas company authorized to transport natural gas for the account of or exchange natural gas with Applicant.

Applicant states that the total cost of construction of all facilities would not exceed \$5,000,000 and that no single project would exceed a cost of \$1,250,000. It is stated that the projects would be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29365 Filed 10-5-76;8:45 am]

[Docket Nos. ER76-404 and ER76-658]

IOWA POWER & LIGHT CO.

Tariff Change

SEPTEMBER 28, 1976.

Take notice that Iowa Power and Light Company, on September 13, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume No. IV, Rate No. 811, for jurisdictional sales and service to the cities of Carlisle and Neola, Iowa, incorporating a revised Energy Cost Adjustment which eliminates the accrual of a reserve established for paying costs of replacement power for power purchased from the Nebraska Public Power District's Cooper Nuclear Station. The Company has requested that the Commission waive its normal 30-day notice requirement and allow this tariff change to be accepted for filing, and to be suspended until September 20, 1976, when it shall become effective subject to refund under the same terms and conditions as set forth in the Commission's Order Accepting For Filing and Suspending Proposed Rates issued July 15, 1976, in this docket.

Copies of the filing were served upon the public utility's jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29366 Filed 10-5-76;8:45 am]

[Docket No. ES76-80]

IOWA PUBLIC SERVICE CO.

Application

SEPTEMBER 28, 1976.

Take notice that on September 22, 1976, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to 55,000 shares of Common Stock (par value \$5 per share) in connection with the operation of the Employees' Stock Ownership Plan of Iowa Public Service Company and Participating Subsidiaries (the "Plan") and the related Employees' Stock Ownership Trust of Iowa Public Service Company and Participating Subsidiaries (the "Trust").

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Under the Plan, the Company and its Participating Subsidiaries will, in each calendar year, contribute cash or common stock of the Company having an aggregate value equal to 1% of the amount of their investment in property for which investment tax credit has been claimed by the Company and its subsidiaries that adopt the Plan (the "Participating Subsidiaries") in their consolidated Federal income tax return for that year. Such cash and common stock will be held in trust under the Trust for the benefit of employees of the Company and its Participating Subsidiaries who are qualified to participate in the Plan. Generally, each employee who has been employed at least three years and who is at least twenty-five years of age, automatically participates in the Plan. Cash contributed under the Plan is to be primarily invested in common stock of the Company and it is intended that such common stock will be newly issued shares. However, the Company presently anticipates that it will ordinarily contribute common stock rather than cash to the Plan. In addition, cash dividends paid on the common stock of the Company held in the Trust, in excess at certain expenses of the Trust, will be reinvested

in additional shares of the common stock of the Company. Such additional shares will also be newly issued shares.

It is anticipated that the operation of the Plan through 1977 will require the issuance of up to 55,000 shares of authorized but unissued common stock of the Company. Under the Plan, the value of each share of common stock contributed to the Plan, or purchased by the Trust from the Company with the proceeds of cash contributions, will be an amount equal to the average of closing prices of the Company's common stock on the New York Stock Exchange for the twenty consecutive trading days immediately preceding the date such stock is transferred to the Trust. Other purchases by the Trust of the Company's common stock, for example, from the proceeds of cash dividends received, must be made at fair market value. It is anticipated that such purchases will be made from the Company from an amount equal to the average of the high and low sales prices for the Company's common stock on the New York Stock Exchange on the day the purchase is made (or the next preceding day on which the New York Stock Exchange is open, if it is closed on that day) or, if no trading occurs in the Company's common stock on such day, an amount equal to the average of the reported bid and asked prices for the Company's common stock on such day.

Applicant proposes to use the proceeds from the issuance of the Common Stock to secure funds for construction purposes and to meet expenditures for its construction program and for other corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29368 Filed 10-5-76;8:45 am]

[Docket No. ES76-79]

PACIFIC POWER & LIGHT CO.

Application

SEPTEMBER 28, 1976.

Take notice that on September 21, 1976, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, Cal-

foria, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue not to exceed \$50,000,000 in aggregate principal amount of its First Mortgage Bonds (New Bonds).

The New Bonds are to be issued under and pursuant to Applicant's presently existing Mortgage and Deed of Trust, dated as of July 1, 1947, to Morgan Guaranty Trust Company of New York and R. E. Sparrow, as Trustees, as previously supplemented by thirty supplemental indentures and as proposed to be supplemented by a Supplemental Indenture. The New Bonds will bear interest from December 1, 1976, at a rate per annum to be fixed and will mature on such date or dates as may be determined by Applicant's Board of Directors.

Applicant proposes to sell the New Bonds at competitive bidding in accordance with the applicable requirements of § 34.1a of the Commission's Regulations.

Net proceeds from the issuance and sale of the New Bonds will be used to repay short-term notes prior to or as they mature and to finance, in part, Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29367 Filed 10-5-76;8:45 am]

[Docket Nos. E-8882, ER76-381 and ER 76-687]

**PUBLIC SERVICE COMPANY OF
COLORADO**

Filing of Settlement Agreement and Motion
for Approval Thereof

SEPTEMBER 27, 1976.

Take notice that on September 13, 1976, the Public Service Company of Colorado (PSCC) tendered for filing a Stipulation and Agreement of Settlement in the above-referenced dockets, and a motion for Commission approval thereof. PSCC states that approval of the Agreement would dispose of all issues raised in these dockets in their entirety.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29369 Filed 10-5-76;8:45 am]

[Docket No. RP73-92 (PGA70-4)]

RATON NATURAL GAS CO.

Change in Rates

SEPTEMBER 29, 1976.

Take notice that Ration Natural Gas Company (Raton) on September 20, 1976, tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Twelfth Revised Sheet No. 3a. The change in rates is for jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost increase of \$0.23 per MCF of Demand and 8.57¢ per MCF of Commodity results in increased rates to \$1.36 per MCF Demand and 80.19¢ per MCF Commodity. The annual revenue increase by reason of the tracking amounts to \$115,326.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29364 Filed 10-5-76;8:45 am]

[Docket No. E-9568]

ST. JOSEPH LIGHT & POWER CO.

Audit of Books

HISTORY OF THE CASE

SEPTEMBER 29, 1976.

By letter dated April 15, 1970, the St. Joseph Light and Power Company of

Missouri was notified by the Chief Accountant of the Federal Power Commission that the Division of Audits intended to begin an examination of the books and records of the Company on or about May 4, 1970.

The Company responded in a letter dated April 24, 1970, stating that it did "not acknowledge authority for any regulation of these public utility operations by the Federal Power Commission." Adopting the opinion of its counsel, the Company maintained that it was not a "public utility" under the Federal Power Act.

The Company made its disclaimer at that time on the basis of the following assertions:

- (1) That it owned no property outside of the State of Missouri and did business solely within such state;
- (2) That it made no sales at wholesale for resale either inside or outside the State of Missouri;
- (3) That the company was not a member of any power pool;
- (4) That the company purchased no firm power from other suppliers, either inside or outside the State of Missouri; and
- (5) That no question of wholesale contracts or rates was involved.

An in house review has revealed the following:

1. St. Joseph does not make sales of electric energy for resale to any municipal systems or distribution cooperatives, it does however exchange electricity with interconnected utilities.

2. St. Joseph maintains several direct interconnections with utilities in adjacent states, including one with Omaha Public Power District (OPPD) at the Missouri-Nebraska boundary at 345kv. In its 1975 FPC Form No. 12 St. Joseph reports that it delivered to Omaha Public Power District (Omaha) 168,734,000 kwh and received from Omaha 1,063,686,000 kwh across the state line.

3. St. Joseph has indirect interconnections with other states through its interconnections within the state of Missouri.

4. St. Joseph filed rate schedules or certificates of concurrence to rate schedules filed by others, covering energy transactions at the various interconnections it maintains.

The Company has not submitted to an FPC audit to date and has been advised once again, by a letter dated April 1, 1976, that the Commission intends to conduct an examination of its books and records. In its response of April 7, 1976, the Company continues to claim nonjurisdictional status. We are aware of no significant change in St. Joseph's operating structure occurring since 1970.

JURISDICTION UNDER SECTION 201(b)

Section 201(b) of the Federal Power Act grants jurisdiction to the FPC over "the transmission of electric energy in interstate commerce * * * and the sale of electric energy at wholesale in interstate commerce * * *". Utilities subject to our jurisdiction are required to comply with the rules and regulations of the Federal Power Commission, including the obliga-

¹See Supplement No. 11 to St. Joseph FPC Rate Schedule No. 12, filed 9/2/76, concurred in by Iowa Power and Light Company.

tion to submit to periodic audits of their books and records.

As we indicated earlier, St. Joseph has several direct interconnections with utilities in other states. It is clearly engaged in the transmission and sale of electric energy in interstate commerce. *Florida Power & Light*, 404 U.S. 453 (1972), affirmed this Commission's position that our jurisdiction extends to utilities even indirectly interconnected with utilities in other states. Our jurisdiction over utilities directly interconnected across state boundaries is well established. The Supreme Court discusses this point in *Florida Power & Light*, supra.

If FP&L were directly involved in power exchanges with Georgia, there would be no serious question about the resolution of this case. Section 201 of the Federal Power Act owes its origin to the determination of this Court that a direct transfer of power from a utility in Rhode Island to a utility in Massachusetts is in interstate commerce. See *Public Utilities Commission v. Attleboro Steam & Electric Co.* 273 U.S. 83, 475 ct. 294, 71 L. Ed. 549 (1947). 'Part II [of the Act] is a direct result of Attleboro.' [Citation omitted] There can be no doubt that § 201 achieves its end and fills the 'Attleboro gap' by giving the FPC jurisdiction over direct exchanges. [citation omitted] *Florida Power & Light*, supra at 458.

St. Joseph has maintained that it is an intrastate operation and should not be subject to federal regulation, yet the legislative history of the Federal Power Act shows that Congress anticipated that "federal accounting requirements would apply to utilities predominantly engaged in local business subject to state regulation." *Florida Power & Light Company*, 37 FPC 544, 555 (1967). Furthermore, our jurisdiction does not depend upon the actual volume flowing in interstate commerce, *Connecticut Light and Power Company v. Federal Power Commission*, 324 U.S. 515, 535-536 (1945), though a considerable amount of electric energy must pass between states over St. Joseph's numerous direct interconnections. The foundation for our assertion of jurisdiction could hardly rest on firmer grounds.

The Commission finds: (1) St. Joseph Light and Power Company is a public utility within the meaning of section 201 of the Federal Power Act, subject to the jurisdiction of the Commission.

(2) In view of the foregoing, it is necessary and appropriate for the purposes of the administration of the Federal Power Act, particularly section 201 and 301 thereof, that St. Joseph Light and Power Company be directed to produce all accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records as the Commission's Rules and Regulations may prescribe as necessary and appropriate for the audit of St. Joseph Light and Power Company's public utility operations.

The Commission orders: (A) Pursuant to sections 201, 301 and 307 of the Federal Power Act, we command the St. Joseph Light and Power Company, that all business and excuses being laid aside, that you produce at your corporate head-

quarters at St. Joseph, Missouri, for examination by the Staff of the Federal Power Commission the following described books, papers, documents and tangible things on or before November 23, 1976.

All accounts, records of cost accounting procedures, correspondence, memoranda, papers, books and other records which are germane to an audit of the original cost of plant to December 31, 1975.

(B) And all other accounts, correspondence, memoranda, papers, books and other records in your custody or power relevant to the audit. And for failure to produce the aforesaid documents the Commission will invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the production of books, papers, correspondence, memoranda, contracts, agreements, and other records.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29340 Filed 10-5-76;8:45 am]

[Docket No. CP76-521]

TEXAS GAS TRANSMISSION CORP.

Application

SEPTEMBER 29, 1976.

Take notice that on September 15, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-521 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Anaconda Company, Aluminum Division (Anaconda), an existing industrial customer of Louisville Gas and Electric Company (Louisville), one of Applicant's resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 100 Mcf of gas per day and up to 36,500 Mcf on an annual basis for Anaconda. It is stated that Anaconda has entered into a contract with Par Oil Corporation (Par) for the purchase of natural gas for \$1.50 per Mcf at 15.025 psia for the first contract year and an additional 3.0 cents for the second contract year, such gas to be produced from certain leasehold interests presently owned or controlled by Par in Athens Field, Claiborne Parish, Louisiana. The gas, it is shown, would be delivered to Applicant at an existing meter station near the site of Block Valve No. 1 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and Applicant would redeliver up to 100 Mcf per day to its existing point or points of delivery with Louisville for the account of Anaconda.

Applicant maintains that in no event would it be obligated to deliver on any day an aggregate amount of more than the contract demand of 239,706 Mcf of gas through all points of delivery of Applicant to Louisville. It is stated that Louisville has agreed to accept up to 100 Mcf per day to be transported and delivered by Applicant to Louisville for the account of Anaconda.

Applicant proposes to charge 18.37 cents per Mcf at 14.73 psia for the transportation service and would retain 9.0 percent of the volumes received for compressor fuel and line loss makeup.

Applicant states that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis. Further, it is indicated that the proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

Applicant maintains that, as advised by Par, if the subject natural gas is not sold to Anaconda, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

Applicant states that the gas to be transported as described herein would be used as fuel at Anaconda's Louisville Laminating Plant, which supplies laminated foil lining and packaging material for food packaging and oil and frozen juice containers. Applicant maintains that Anaconda has spent \$50,000 in a research effort to develop technology for the conversion to a fuel oil but to date has had no success.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29362 Filed 10-5-76;8:45 am]

[Docket No. ES76-73]

UTAH POWER & LIGHT CO.

Application

SEPTEMBER 29, 1976.

Take notice that on September 23, 1976 Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 and any other applicable Section of the Federal Power Act authorizing the Company, without competitive bidding, to issue and pledge not more than \$50,000,000 in principal amount of its First Mortgage Bonds pursuant to proposed financial arrangements with Emery County, Utah (County), whereby (1) the County will issue and sell not more than \$50,000,000 in principal amount of its Revenue Bonds, pursuant to negotiations with underwriters who will reoffer the Revenue Bonds to the public, (2) the County will lease from the Company certain pollution control facilities being installed at two of the Company's steam electric generating units now under construction in the County for a rental equal to the proceeds from the sale of the Revenue Bonds, (3) the County will sublease the pollution control facilities to the Company for subrentals sufficient to pay the principal of, and premium, if any, and interest on, the Revenue Bonds and incidental expenses, and (4) the Company will issue and pledge to the trustee under the indenture pursuant to which the Revenue Bonds are proposed to be issued a new series of its First Mortgage Bonds in principal amount equal to the principal amount of, and having terms parallel to, the Revenue Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the pro-

ceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29363 Filed 10-5-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.;
Temporary Reg. F-401]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

• 1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in communications proceedings which have been terminated. •

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires September 30, 1976.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-2.....	Dec. 4, 1964	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-31.....	Nov. 27, 1965	Do.
F-49.....	Feb. 25, 1971	Do.
F-104.....	May 17, 1971	Do.
F-149.....	Aug. 8, 1972	Do.
F-168.....	Feb. 29, 1973	Do.
F-170.....	Feb. 27, 1973	Do.
F-172.....	Mar. 15, 1973	Do.
F-178.....	Apr. 29, 1973	Do.
F-189.....	Aug. 6, 1973	Do.
F-202.....	Sept. 17, 1974	Do.
F-268.....	Oct. 11, 1974	Do.
F-315.....	Dec. 12, 1974	Do.
F-322.....	Jan. 3, 1975	Do.
F-341.....	June 10, 1975	Do.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29111 Filed 10-5-76;8:45 am]

[Federal Property Management Reg.;
Temporary Reg. F-402]

SECRETARY OF DEFENSE AND ADMINIS- TRATOR, ENERGY RESEARCH AND DE- VELOPMENT ADMINISTRATION

Revocation of Delegations of Authority

• 1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated. •

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires September 30, 1976.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-170.....	Mar. 16, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-170.....	Aug. 9, 1972	Do.
F-170.....	Feb. 20, 1973	Do.
F-170.....	Aug. 13, 1973	Do.
F-170.....	Oct. 29, 1973	Do.
F-170.....	Nov. 23, 1973	Do.
F-212.....	Mar. 19, 1974	Do.
F-291.....	Sept. 23, 1974	Do.
F-324.....	Mar. 23, 1975	Do.
F-325.....	Mar. 19, 1975	Do.
F-326.....	June 27, 1975	Do.
F-327.....	Dec. 19, 1975	Delegation of authority to the Administrator, Energy Research and Development Administration—Regulatory Proceedings.
F-328.....	May 21, 1976	Do.

Dated: September 22, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-29112 Filed 10-5-76;8:45 am]

LEGAL SERVICES CORPORATION

EVERGREEN LEGAL SERVICES

Grants and Contracts

SEPTEMBER 30, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the application for grant submitted by Evergreen Legal Services of Seattle, Washington.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-29282 Filed 10-5-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-87]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERODY- NAMICS AND CONFIGURATIONS

Meeting

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations will meet on October 27-29, 1976, at the NASA Dryden

NOTICES

Flight Research Center, Edwards, California, 93523. The meeting will be held in Conference Room 2090 of Building 4800. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Dryden Flight Research Center Receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations serves in an advisory capacity only. There are 17 members. The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. William S. Aiken, Jr., Area Code 202, 755-2400.

OCTOBER 27, 1976

Time	Topic
9:00 a.m.	Report of the chairman (purpose: to summarize action taken at the July 1976 meeting of the Research and Technology Advisory Council).
9:30 a.m.	Report of the executive secretary (purpose: to brief the committee on recent or proposed changes in NASA organization and in pertinent aeronautics programs).
10:30 a.m.	Ground effect test techniques (purpose: to describe methods of determining the effect of the ground on the aerodynamics of aircraft configurations and typical recent results).
12:30 p.m.	Tour of Dryden Flight Research Center Hangar (purpose: to view the flight hardware referred to in presentations during the meeting).
1:30 p.m.	Status of Highly-Maneuverable Aircraft Technology (HIMAT) and other Remotely-Piloted Vehicle (RPV) programs (purpose: to summarize plans for and results from RPV programs including HIMAT, Firebee II, and the oblique wing).
2:45 p.m.	Correlation of wind-tunnel model and flight-test results (purpose: to inform the committee of recent results indicating the capability of predicting full-scale flight characteristics from wind-tunnel model tests).
3:45 p.m.	Proposed program for Comprehensive Aerodynamic Prediction of Aircraft (CAPAIR) (purpose: to summarize a plan to integrate theoretical and experimental capabilities and provide accurate and complete predictions of aircraft aerodynamics for industry and government users).

Time	Topic
4:10 p.m.	Report on Advanced Medium STOL Transport (AMST) and Quiet Short-Haul Research Aircraft (QSRA) programs (purpose: to brief the committee on recent developments in the AMST and QSRA programs).

OCTOBER 28, 1976

8:30 a.m.	Airframe/Propulsion System Integration program review (purpose: to inform the committee of progress on recently-initiated integration programs including that on two-dimensional, axisymmetric nozzles).
9:50 a.m.	Summary of Proposed Missile Aerodynamics program (purpose: to bring the committee up to date on plans to expand the missile aerodynamic program at the Langley Research Center).
10:30 a.m.	Discussion of NASA Center written reports (purpose: to provide elaboration on items included in the previously-distributed written reports on pertinent aeronautical research areas prepared by the Ames, Langley, and Lewis Research Centers).
12:30 p.m.	Visit to Air Force Advanced Medium STOL Transport (AMST) Hangars (purpose: to examine aircraft being tested in the AMST program).
1:30 p.m.	Member reports on items of interest (purpose: to provide elaboration on items included in the previously-distributed written reports provided by individual members of the committee).
3:15 p.m.	Working group sessions on basic technology, Conventional Take-off and Landing (CTOL), and Vertical and Short Take-off and Landing (V/STOL) aircraft (purpose: to develop draft position statements and recommendations pertaining to the focus and scope of the technical programs reviewed earlier).

OCTOBER 29, 1976

9:00 a.m.	Committee review of working group reports (purpose: to review inputs from the three working groups and prepare final position statements and recommendations for consideration by the NASA Research and Technology Advisory Council).
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Time	Topic
10:45 a.m.	Discussion of agenda items for the next meeting (purpose: to obtain and discuss members' suggestions for potential agenda for the next meeting).
11:30 a.m.	Adjournment.

SEPTEMBER 30, 1976.

JOHN M. COULTER,
Acting Assistant Administrator
for DOD and Interagency Affairs
National Aeronautics
and Space Administration.

[FR Doc.76-29264 Filed 10-5-76; 8:46 am]

[Notice (76-86)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON SPACE PROPULSION & POWER

Meeting

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power will meet October 27 and 28, 1976, at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California. The meeting will be held in Room 186-128. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 25 persons. All visitors must register at the reception desk in Room 186-128.

The NASA Research and Technology Advisory Council Committee on Space Propulsion and Power serves in an advisory capacity only. There are 16 members on this Committee. The following list sets forth the approved agenda and schedule for the October 27-28, 1976, meeting of the Committee on Space Propulsion and Power. For further information, please contact Mr. James Lazar, Area Code 202, 755-3280.

OCTOBER 27, 1976

Time	Topic
8:30 a.m.	Opening remarks (purpose: to welcome members and discuss agenda).
8:45 a.m.	Status of solar electric propulsion development program and auxiliary electric propulsion flight experiment (purpose: to brief committee members on NASA's decision concerning the development of solar electric propulsion including phase A study efforts planned for fiscal year 1977 and to brief committee members on the status of a space experiment to flight test an auxiliary electric propulsion system).
9:30 a.m.	Solar sailing review (purpose: to brief committee members on the potential applications of solar sailing for solar system exploration missions and to brief committee members on the status of solar sailing technology).

Time	Topic
10:15 a.m.----	Space storable propulsion systems technology program review (purpose: to brief committee members on the space storable propulsion systems technology program).
11:00 a.m.----	Advanced solid propulsion and pyrotechnic technology program review (purpose: to brief committee members on the advanced solid propulsion and pyrotechnic technology program).
1:00 p.m.----	NASA thermionic research and technology program review (purpose: to brief committee members on the NASA thermionics research and technology program).
2:15 p.m.----	NASA nickel cadmium battery program review (purpose: to brief committee members on the NASA nickel cadmium battery program).
3:00 p.m.----	Office of aeronautics and space technology's preliminary space propulsion and power program goals and objectives review (purpose: to brief committee members on the goals and objectives of the space propulsion and power program and the implications of these goals and objectives).

OCTOBER 28, 1976

8:30 p.m.----	Preliminary space propulsion and power program goals and objectives review (continued).
9:30 a.m.----	Discussion of major issues and preliminary space propulsion and power program goals and objectives (purpose: to establish committee positions on major issues and to establish committee positions on the preliminary goals and objectives of the space propulsion and power program).
12:00 noon----	Plans for next meeting (purpose: to set a date and place for the next committee meeting and to discuss possible agenda items).
12:30 p.m.----	Adjournment.

JOHN M. COULTER,
Acting Assistant Administrator
for DOD and Interagency Affairs,
National Aeronautics
and Space Administration.

SEPTEMBER 29, 1976.

[FR Doc.76-29265 Filed 10-5-76;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a

meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on October 21, 1976.

The purpose of the meeting is to review General Research applications in the field of State, Local and Regional History submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-29267 Filed 10-5-76;8:45 am]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

SEPTEMBER 29, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in Room 1130, from 9 am to 5:30 pm on October 29, 1976.

The purpose of the meeting is to review General Research applications in the field of History submitted to the National Endowment for the Humanities for projects beginning after April 1, 1977.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority of Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th

Street, NW, Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-29258 Filed 10-5-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SENSORY PHYSIOLOGY AND PERCEPTION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sensory Physiology and Perception.

Date and Time: October 25 and 26, 1976; 9 am-5 pm each day.

Place: National Science Foundation, 1800 G Street NW, Washington, D.C., Room 338.

Type of meeting: Closed.

Contact Person: Dr. Terrence R. Dolan, Program Director for Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 634-1624.

Purpose of Panel: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b). Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close Meeting: This determination was made by the Committee pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29308 Filed 10-5-76;8:45 am]

FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS

Meeting

The next meeting of the Federal Scientific and Technical Information Managers will be held on Wednesday, October 27, 1976, from 9:30 am-12 noon, at the National Science Foundation, 1800 G Street, NW., Conference Room 543. The theme of this meeting will be the "Programs of U.S. National Commissions in the Information Area: Any Relevance for Improving Federal STI Operations?"

These meetings, sponsored by the National Science Foundation, provide a forum for the interchange of information concerning common problems and coordination in the areas of Federal scientific and technical information and communications.

These meetings are designed solely for the benefit of Federal employees and officers, and do not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, this meeting is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER.

Any persons wishing to attend this meeting or requiring further information should notify Mr. Andrew A. Aines, Division of Science Information, National Science Foundation, 1800 G Street, NW., Washington, DC 20550, telephone: (202) 632-5836.

LEE G. BURCHINAL,
Director,
Division of Science Information.

OCTOBER 1, 1976.

[FR Doc.76-29307 Filed 10-5-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0317]

BOHLEN CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On August 25, 1976, a Notice of Application for a license as a Small Business Investment Company was published in the FEDERAL REGISTER (41 FR 35912) stating that an Application had been filed with the Small Business Administration (SBA) pursuant to §107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license as a small business investment company by Bohlen Capital Corporation, 30 East 42nd Street, New York, New York 10017.

Interested parties were given until the close of business September 9, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on September 24, 1976, issued License No. 02/02-0317 to Bohlen Capital Corporation to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 27, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate
Administrator for Investment.

[FR Doc.76-29299 Filed 10-5-76;8:45 am]

[Declaration of Disaster Loan Area No. 1276]

CALIFORNIA

Declaration of Disaster Area

As a result of the President's declaration, I find that Imperial and Riverside counties, and adjacent counties within the State of California, constitute a disaster area because of damage resulting from severe storms and flooding beginning on September 10, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 22, 1976, and for economic injury until the close of business on June 21, 1977, at:

Small Business Administration, District Office, 350 S. Figueroa Street, 6th Floor, Los Angeles, California 90071.

Small Business Administration, 880 Front Street, Federal-Building Room 4-S-33, San Diego, California 92188.

or other locally announced locations.

Dated: September 27, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-29298 Filed 10-5-76;8:45 am]

COLUMBIA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Columbia District Advisory Council will hold a public meeting at 10 am, Wednesday, October 20, 1976, at The Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Vern F. Amick, U.S. Small Business Administration, 1801 Assembly Street, Columbia, South Carolina 29201, (803) 765-5373.

Dated: September 27, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for
Advisory Councils.

[FR Doc.76-29296 Filed 10-5-76;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at Union Center Plaza, Room 9517, 941 North Capitol Street, NE., Washington, DC, on October 29, 1976, at 10 a.m. The meeting will be open to the public.

Those wishing to attend should contact Mrs. Charlotte Withers in the office of the Director, National Cemetery Sys-

tem, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420 (phone 202-380-5211) not later than October 28, 1976. Any interested person may attend, appear before, or file a statement with the committee. Individuals wishing to make oral statements should please indicate this in a letter to Mrs. Withers in which they fully identify themselves and state the organization or association they represent or are speaking for. Written statements should be filed with Mrs. Withers at the Washington address prior to the meeting. Oral statements will be heard only between 3 pm and 4 pm on October 29, 1976.

Dated: September 30, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-29305 Filed 10-5-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration JOB CORPS CENTER, GLENMONT, N.Y.

Decision Not To Issue Environmental Impact Statement

Notice is hereby given that pursuant to the Code of Federal Regulations, Title 40, Chapter V, Part 1500 the Department of Labor has determined that an environmental impact statement is not required in order to establish a Job Corps Center at Our Lady of Angels Seminary in Glenmont, New York. Reasons for this determination are set forth below.

The proposed New York Job Corps Center will be a training center with residential and educational facilities for 275 disadvantaged young men and women, ages 16 through 21 who need and can benefit from intensive employment related services. The function of the center and the staff of approximately 100 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The center will be a self-contained facility on a ridge on the westerly slope of the Valley of the Hudson River, approximately four miles from Albany. The facility consists of approximately 11 buildings constructed on concrete and steel with brick exterior walls. The campus is located on a 240 acre wooded tract, next to a commercial area, with no more than 14 families living within four miles of the grounds.

The proposed Job Corps Center at Our Lady of Angels is not one of "major Federal actions significantly affecting the quality of the human environment" within the meaning of § 1500.6(c). The intended purpose is the same as the use of the site by the previous occupants, specifically residential living and instruction in an educational institution.

Sewage facilities are planned to include the installation of an aeration tank and establishment of a settlement area.

Provision will be made for chlorination of the effluent. Effluent will be discharged into a basin.

Two wells on the property more than adequately meet the volume requirements and standards for water supply. A third well, chemically treated, will be used as a back-up.

Noise will not be a factor since the center will be located in brick buildings off a highway in an isolated area on 244 acres with abundant trees.

Furthermore, the center will be operated in compliance with 29 CFR 97a.116, the standard Job Corps procedures on environmental health, which include:

(a) Center Directors adhere to Federal, State and local regulations concerning environmental health. Routine environmental health inspections of dormitories, food preparation and serving areas, and water waste treatment facilities, will be performed at least once a week by the center physician or his designee. The Center Director will also arrange for formal environmental health inspections by qualified non-center personnel.

(b) The water supply:

(1) It will be adequate for the center's needs, and shall satisfy the latest U.S. Public Health Services Regulations on Drinking Water Standards (42 CFR 72.201-207).

(2) In case of any construction or renovation of the water supply system, design, specifications, and construction procedures will be conducted in compliance with regulations of State and local or other health authorities and their approval.

(3) The Center Director will maintain records which shall show the amount of water treated, amount of chlorine used, daily free chlorine residual, and other data pursuant to standards set by the EPA and local authorities pertaining to water treatment. The Center Director will arrange for all necessary bacterial and chemical tests to be performed by State and local health authorities with the exception of the daily routine residual chlorine test which shall be done by center staff.

(4) The Job Corps center will comply with the water quality and related standards of the State and with the standards established by the Federal Water Pollution Control Act, 33 U.S.C. 1151 et seq.; by Executive Order 11752; 3 CFR 380, (1974) and by the Environmental Protection Agency.

(5) The Center Director will see that septic tanks are inspected by appropriate non-center personnel at least once a year.

(6) The installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752, 3 CFR 380, (1974) and at 40 CFR, Part 76.

(c) Food handling practices shall meet local and United States Public Health Department Standards; all meat products shall meet U.S. Department of Agriculture standards; and pesticides shall not be used where food is prepared or served.

(d) Insecticides will be used only in conformance with State and Federal pesticide laws including the regulations of the Environmental Protection Agency.

Signed at Washington, DC this 4th day of October, 1976.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

[FR Doc.76-29586 Filed 10-5-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 162]

ASSIGNMENT OF HEARINGS

OCTOBER 1, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 (Sub No. 821), Pre-Fab Transit Co., now being assigned November 2, 1976 (1 day), at New York, New York, in a hearing room to be later designated.

MC 142083, Specialty Carrier, Inc., now being assigned November 18, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 139089 (Sub No. 5), Freeport Transport, Inc., now being assigned November 18, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 61593 (Sub 378), Jenkins Truck Line, Inc., and MC-F 12693, Jenkins Truck Line, Inc.—Merger—Ratliff & Ratliff, Inc., now being assigned November 16, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-12858, A & B Freight Line, Inc.—Purchase—SMS Transportation Company and MC 120364 (Sub-No. 12), A & B Freight Line, Inc., application dismissed.

MC 11207 Sub 369, Deaton, Inc., now being assigned November 15, 1976 (1 day), at Birmingham, Ala., in a hearing room to be later designated.

MC 121664 Sub 12, G. A. Hornady, Cecil M. Hornady, & B. C. Hornady DBA Hornady Brothers Truck Line, now being assigned November 16, 1976 (2 days), at Birmingham, Ala.; in a hearing room to be later designated.

MC 11207 Sub 368, Deaton, Inc., MC 73165 Sub 382, Eagle Motor Lines, Inc., and MC 136828 Sub 5, Cox & Shay Inc., now being assigned November 18, 1976 (2 days), at Birmingham, Ala., in a hearing room to be later designated.

MC 69492 (Sub-No. 50), Henry Edwards d/b/a Henry Edwards Trucking Company, has been continued to October 28, 1976 (2 days) at Nashville, Tennessee; in Room C1-125, Tennessee Public Service Commission, Cordell Hull Building.

MC 136987 (Sub 13), Remington Freight Lines, Inc., now being assigned December 10, 1976 (1 day), at Chicago, Illinois, in a hearing room to be designated.

MC 133146 (Sub 15), International Transportation Service, Inc., now being assigned December 9, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 133639 (Sub-No. 70), Overland Express, Inc., now assigned November 3, 1976 at Madison, Wisconsin; will be held in Room 404, Hill Farms State Office Building, 4802 Sheboygan Avenue.

MC 135197 (Sub No. 8), Leecer Transportation, Inc., now being assigned November 4, 1976 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.

MC 142030 (Sub No. 1), Nash Trucks, Inc., now being assigned November 5, 1976 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29373 Filed 10-5-76;8:45 am]

[Notice No. 131]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 1, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than October 21, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 342 TA), filed September 24, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tung oil, in bulk, in tank vehicles, from Elizabeth and Weehawken, N.J., to Dallas, Tex., for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: P.V.O. International, World Trade Center, San Francisco, Calif. 94111. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 4705 (Sub-No. 3 TA), filed September 24, 1976. Applicant: LAWRENCE NEPPL TRUCKING, INC., Halbur, Iowa 51444. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from the facilities of Farmers Cooperative Association, at or near Ralston, Iowa, to Terre Haute, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wayne Seaman, General Manager, Farmers Co-operative Association, Ralston, Iowa 51459. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 16903 (Sub-No. 45 TA), filed September 21, 1976. Applicant: MOON FREIGHT LINES, INC., 120 W. Grimes, P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated wood ties*, from Bloomington, Ind. to Ottumwa, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Indiana Wood Treating Company, 5700 S. Rogers, Bloomington, Ind. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 52460 (Sub-No. 185 TA), filed September 24, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Steve Clipich, P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Jackson, Ala., to points in Texas, Oklahoma and Missouri, for 180 days. Supporting shipper: Allied Paper Incorporated, P.O. Box 2528, 2030 Portage St., Kalamazoo, Mich. 49001. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 61396 (Sub-No. 317TA), filed September 24, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid nitrogen and liquid oxygen*, in bulk, in

cryogenic tank vehicles, from the plant-site of Airco Industrial Gases, at East Alton, Ill., to Batesville, Ark. Restriction: All service hereunder restricted to traffic originating at the above-named facility and moving in trailers owned by Airco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. K. Kubala, Distribution Supt., Airco Industrial Gases, Ches-sen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 64100 (Sub-No. 8TA), filed September 21, 1976. Applicant: GEORGE B. UTTER, R.D. No. 2, Oneonta, N.Y. 13820. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, on rail movements, from points outside of the state of New York (including, but not limited to, Lawrenceburg, Ky.; Indianapolis, Ind.; Milwaukee, Wis.; Paris, Ill.; and Kankakee, Ill.), from the railyards in the City of Oneonta, N.Y., to the plantsite of Agway in the Village of Stamford, N.Y., for 180 days. Supporting shipper: Agway, Inc., Stuart-Rickett, Manager, Stamford, N.Y. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 71478 (Sub-No. 73 TA), filed September 21, 1976. Applicant: CHIEF FREIGHT LINES COMPANY, 2401 N. Harvard Ave., Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc., at or near Henryetta, Okla., to points in Indiana, Illinois, Iowa, Ohio, Kansas, Missouri and Texas, for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 71642 (Sub-No. 21 TA), filed September 24, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastic and plastic articles, sheets, shapes, forms, rods, tubes, grindings, and pellets*, for the account of Keysor-Century Corporation, between Delaware City Commercial Zone and Newark, Del., on the one hand, and, on the other, Nashville, Tenn., under a continuing contract with Keysor-

Century Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keysor-Century Corp., P.O. Box 311, Delaware City, Del. 19706. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 94265 (Sub-No. 246 TA), filed September 21, 1976. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Harry G. Buckwalter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Waterloo, Iowa, to points in Kentucky, for 180 days. Supporting shipper: The Rath Packing Company, William D. Day, General Transportation Manager, P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502 Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

No. MC 107162 (Sub-No. 48 TA), filed September 21, 1976. Applicant: NOBLE GRAHM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction board*, from Port of Entry on the International Boundary Line between the United States and Canada, at or near Sault Ste. Marie, Mich., to points in Michigan, Illinois, Indiana and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: T. W. Hager Lumber Company, 1545 Marquette St., S.W., Grand Rapids, Mich. 49509. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 111401 (Sub-No. 469TA), filed September 24, 1976. Applicant: GROEN-DYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from El Dorado, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Skelly Oil Company, P.O. Box 1650, Tulsa, Okla. 74102. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 113678 (Sub-No. 638TA), filed September 22, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004 Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Arizona, California, Colorado, Georgia, Idaho, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington and Wyoming, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 115311 (Sub-No. 198TA), filed September 24, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and relating advertising matter*, from Memphis, Tenn., to Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomas Beverage Co., 2235 DeFoor Hills Road, NW., Atlanta, Ga. 30318. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 133095 (Sub-No. 113TA), filed September 17, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapeutic equipment*, in mechanically refrigerated equipment, (1) from McAllen, Tex., to Cinnaminson, N.J., and (2) from Piscataway, N.J., to McAllen, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Erika, Inc., 560 Sylvan Ave., Englewood Cliffs, N.J. 07632. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133689 (Sub-No. 82TA), filed September 23, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West-St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind.,

to points in Ohio, Kentucky, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136008 (Sub-No. 78TA), filed September 24, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from points in Wise County, Tex., to points in Caddo Parish, La., and Miller County, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCabe Minerals and Chemicals Co., Inc., 1519 Third Ave., SW., Ardmore, Okla. 73401. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 140313 (Sub-No. 5TA), filed September 21, 1976. Applicant: J & R TRUCKING, INC., 4104 83rd S.E., Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized pipe, furnaces, furnace fittings and parts, air conditioners and air conditioner parts*, from Cincinnati, Ohio, to points in Idaho, Washington and Oregon, for 180 days. Supporting shipper: Williamson Company, 3500 Madison Road, Cincinnati, Ohio 45209. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141164 (Sub-No. 1TA), filed September 20, 1976. Applicant: JOHN E. COX, 120 Lafayette Road, Portsmouth, N.H. 03801. Applicant's representative: Frederick T. McGonagle, 36 Main St., Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil*, in bulk, in tank vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Calais, Houlton, Bar Harbor and Portland, Maine, to Peabody, Mass., for 180 days. Supporting shipper: Bayoll Co., Inc., P.O. Box 806, Peabody, Mass. 01960. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142409 (Sub-No. 1TA), filed September 16, 1976. Applicant: NEVILLE R. MAYES, doing business as MERCHANTS WHOLESALE DISTRIBUTING CO., 924 Rockaway St., Las Vegas, Nev. 89128. Applicant's representative: Don Erik Franzen, 3550 Wilshire Blvd., Suite 1418, Los Angeles, Calif. 90010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and agricultural commodities* otherwise exempt from economic regulation pursuant to Section 203(b)(6) of the Interstate Commerce Act when traveling at the same time and in the same vehicle with foodstuffs, between Los Angeles, Calif., and points in its Commercial Zone as defined by the Commission at 51 M.C.C. 676, 673, on the one hand, and, on the other, Nellis Air Force Base, the Mercury Test Site, and Reynolds Electric, located near Las Vegas, Nev., for 180 days. Supporting shipper: None. Applicant seeks authority in order to submit tender to the U.S. Government Defense Supply Agency. Send protests to: Kenneth Lester, Transportation Specialist, 203 Federal Bldg., 705 North Plaza St., Carson City, Nev. 89701.

No. MC 142417 (Sub-No. 1TA), filed September 20, 1976. Applicant: TWO WAY TRUCKING, No. 4 Ginger Cove Road, Valley, Nebr. 68064. Applicant's representative: Dennis I. Olson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible pork fat* (except in bulk, in tank vehicles), from Detroit, Mich., to Waterloo, Nebr., under a continuing contract with Midwest Edible Oil Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard F. Neubauer, Executive Vice-President, Midwest Edible Oil Company, P.O. Box 59, Waterloo, Nebr. 68069. Send protests to: Carroll Russel, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140463 (Sub-No. 2TA), filed September 16, 1976. Applicant: ORREN J. LEE, 2312 Braemar Drive, Sioux Falls, S. Dak. 57105. Applicant's representative: Mark Menard, South Dakota Transport Services, Inc., 5301 N. Cliff Ave., P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and supplies used in the production and distribution of dairy products, between Sioux Falls, S. Dak., and points in North Dakota, under a continuing contract with Terrace Park Dairy, for 180 days. Supporting shipper: Terrace Park Dairy, 1501 West Tenth St., Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 142473TA, filed September 22, 1976. Applicant: PRYNN LEASING INC., Pier 26 North River, New York, N.Y. 10013. Applicant's representative:

John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jewelry boxes and wall decorations and containers* in which the same have been loaded, restricted to shipments having a prior or subsequent movement by water, between Hauppauge, N.Y., on the one hand, and, on the other, points in that part of the New York, N.Y. Commercial Zone as defined in the fifth supplemental report in Commercial Zone and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provision of section 203(b)(8) of the Act (the "exempt zone"), for 180 days. Supporting shipper: London Leather Novelties, Inc., 360 Kings Highway, Hauppauge, N.Y. 11787. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142474TA, filed September 20, 1976. Applicant: W. ROBERT ROCHELETTE, doing business as ROCHELETTE'S OIL SERVICE, Daniel Webster Highway North, Merrimack, N.H. 03054. Applicant's representative: W. Robert Rochette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Hillsboro, N.H., to Westbrook, Maine, for 180 days. Supporting shipper: Nashua Wood Products, Inc., Caron St., Merrimack, N.H. 03054. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 13301.

No. MC 142476TA, filed September 24, 1976. Applicant: AUTO TRANSPORT, INC., 3151 Hull St., Richmond, Va. 23224. Applicant's representative: Richard J. Lee, 40 O Falstone Road, Richmond, Va. 23234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles and trucks up to and including 1 ton capacity* (restricted against the use of wreckers), between points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New Jersey, Ohio, New York, Delaware, Maryland, Connecticut, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tex Auto Parts, Inc., 214 S. Mecklenburg Ave., South Hill, Va., J & W Auto Parts, Inc., 11749 Hull St. Road, Richmond, Va., James W. Combs Auto Sales, 6825 Hull St., Richmond, Va. 23229. Woodfin Auto & Truck Parts, Inc., 12910 Genito Road, Midlothian, Va., Chesterfield Auto Parts Co., Inc., 5111 Old Midlothian Pike, Richmond, Va. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va.

No. MC 142477TA, filed September 23, 1976. Applicant: EARL PIPPIN, doing business as EARL PIPPIN, TRANS-

PORTER, 211 North Kornegay St., Goldsboro, N.C. 27530. Applicant's representative: J. Russell Kirby, 110 Gold Professional Bldg., P.O. Box 249, Wilson, N.C. 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles, boats, and trailers*, in drive-away/tow-away operations, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 26711.

No. MC 142478TA, filed September 24, 1976. Applicant: ACE INDUSTRIES, INC., doing business as ACE COURIER & EXPEDITING SERVICE, 309 Valley Road, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Hagerstown, Md., and its commercial zone on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Virginia, Ohio, and the District of Columbia and its commercial zone, restricted against handling shipments of packages or articles weighing in the aggregate more than 5,000 lbs. from any one consignor to one consignee on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Fairchild Industries, Showalter Road; Mack Trucks, Inc., 1999 Pennsylvania Ave., and Pangborn Division of Carborundum Corporation, Pangborn Blvd., Hagerstown, Md. 21740. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 1413, District Supervisor W. C. Hersman, Washington, D.C. 20423.

No. MC 142481TA, filed September 21, 1976. Applicant: QUIPCO, INC., P.O. Box 532, Littleton, N.H. 03561. Applicant's representative: Rupert J. Blaisdell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, in bulk, in dump vehicles, from Littleton, N.H., to points in Vermont on and north of Interstate Route 89, under a continuing contract with International Salt Company, for 180 days. Supporting shipper: International Salt Company, Clarks Summit, Pa. 18411. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

PASSENGER APPLICATIONS

No. MC 142475TA, filed September 21, 1976. Applicant: AUTOBUS ST. DENIS INC., St. Denis de Brompton, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: M. Marcel Carignan, Voyages Escapade, 119 Frontenac St., Sherbrooke, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 1301.

No. MC 142479TA, filed September 21, 1976. Applicant: LES AUTOBUS LACHANCE INC., P.O. Box 91, St. Martin de Beauce, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Claude Paradis, dba Voyages Claude Paradis Tours, 226 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142480TA, filed September 21, 1976. Applicant: LES AUTOBUS DUPONT LTEE, 240 3rd St., Quebec, Quebec. Applicant's representative: Stanley Steinman, 111 King St. West, Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the International Boundary Line between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Claude Paradis, dba Voyages Claude Paradis Tours, 266 81st St., Charlebourg, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

ROBERT S. OSWALD,
Secretary.

[FR Doc. 76-29374 Filed 10-5-76; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications and Letter Notices

OCTOBER 1, 1976.

APPLICATIONS

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before November 5, 1976. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 113855 (Sub-No. 356G), filed August 9, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Wisconsin, on the one hand, and, on the other points in Indiana, Minnesota, Kentucky, Ohio, West Virginia, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points west of Interstate Highway 81), Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction

U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa.

Thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), and the following described territory in Illinois: that part of Illinois lying south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of any points of the Minnesota-Wisconsin State line, Elgin, Ill., Scranton, Reading, and Hazleton, Pa., points in Ohio, and Davenport, Iowa.

(B) Between points in Minnesota, on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Penn-

sylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line, and any points in Minnesota within 25 miles of the Wisconsin-Minnesota State line or the Iowa-Minnesota State line.

(C) Between points in Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., on the one hand, and, on the other, points in Minnesota, Indiana, Kentucky, Ohio, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Mary-

land (except points west of Interstate Highway 81), New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, the District of Columbia and the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line and Davenport, Iowa.

(D) Between points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa to Des Moines, Iowa on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia

(except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa.

Thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa., points in Illinois south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., restricted to service at points in

Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, the described portions of Pennsylvania and Illinois south of U.S. Highway 6 and on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, and Davenport, Iowa.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49-CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 18, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E9), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) from points in Illinois to points in Arizona, those points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 62 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Louisiana State line, California, Colorado; (b) from points in Illinois on, south and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Idaho, Kansas, those points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 69 to junction Missouri Highway 13, to junction Missouri High-

way 18, to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line; (c) from points in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 136 to junction Illinois Highway 9, to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line, to points in Nebraska, New Mexico, Nevada; (d) from points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 177 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line, to points in Oklahoma, Utah; (e) from points in Illinois on and south of a line beginning at the Missouri-Illinois State line to junction U.S. Highway 67, to junction Illinois Highway 16, to junction U.S. Highway 66, to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Wyoming. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Galena, Kans., Joplin, Mo., Topeka, Kans., Kansas City, Mo., and Kansas City, Kans.

No. MC 40215 (Sub-No. E10), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Indiana to points in Arizona, California, Colorado, those points in Idaho on and south of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 93 to junction Idaho State Highway 21, to junction Idaho State Highway 52, thence along Idaho State Highway 52 to the Idaho-Oregon State line, Iowa, Kansas; (b) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 36 to the Indiana-Ohio State line, to points in Nebraska, those points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 68 to junction Missouri State Highway 13 to junction U.S. Highway 54, to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line, Nevada, New Mexico, those points in Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line, and extending along Oklahoma State Highway 83 to junction U.S. Highway 271, thence along U.S. Highway 271, to the Oklahoma-Texas State line; (c) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 150 to the Indiana-Kentucky State line, to points in South Dakota on and west and south of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota High-

way 37, to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Iowa State line; (d) from points in Indiana, on and north of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line to points in Texas, Utah; (e) from points in Indiana on and south of a line, beginning at the Illinois-Indiana State line and extending along Interstate Highway 70 to the Indiana-Ohio State line to points in Wyoming. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Topeka, Kans., Kansas City, Mo., Galena, Kans., Kansas City, Kans., Manhattan, Kans., Arkansas City, Kans.

No. MC 40215 (Sub-No. E14), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) from points in Louisiana to points in Colorado, to those points in Iowa on and west of a line beginning at the Minnesota-Iowa State line, and extending along U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, Kansas to those points in Minnesota on and west of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 35 to the Minnesota-Iowa State line, Nebraska, South Dakota; (b) from points in Louisiana on and west and south of a line beginning at the Arkansas-Louisiana State line, and extending along U.S. Highway 165 to junction Louisiana State Highway 1 to junction Louisiana State Highway 10, thence along Louisiana State Highway 10 to the Louisiana-Mississippi State line, to points in Missouri on and west of a line beginning at the Missouri-Iowa State line, and extending along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Garden City, Kans., Independence, Kans., to Manhattan, Kans., Wichita and Salina, Kans., Galena, Kans., Kansas City Kans.

No. MC 113855 (Sub-No. E460), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marian Rd. SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines* (except those which require the use of special equipment), in flatbed trailers only (A) from points in California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin Counties), to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, District of

Columbia, Delaware, Michigan, and New York; (B) from points in California north and east of Marin, Sacramento, Contra Costa, San Joaquin, Mono, and Tuolumne Counties, and points in Santa Cruz, Stanislaus, and San Francisco counties, to points in Indiana, Kentucky, South Carolina, North Carolina, points in Tennessee on and east of Interstate Highway 65, points in Florida east of Jefferson County, points in Alabama on and north of Alabama Highway 10, points in Virginia on and east of U.S. Highway 52, and points in Georgia on and north of U.S. Highway 280 and on and east of Interstate Highway 75. (C) from points in Tuolumne, Mariposa, Merced, Madera, Fresno, Tulare, Kings, Santa Barbara, San Luis Obispo, Monterey, San Benito, Mono, and Inyo Counties, Calif., to points in North Carolina, Indiana, points in Virginia on and east of U.S. Highway 52 and points in Kentucky on and east of U.S. Highway 231. (D) from points in Kern and Ventura Counties, Calif., and those points in San Bernardino and Riverside counties on and west of U.S. Highway 395, to points in Illinois on and north of U.S. Highway 36 and on and east of U.S. Highway 67, points in Indiana on and north of U.S. Highway 150, those points in North Carolina and Virginia on and east of U.S. Highway 52, and points in Kentucky on; east and north of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 61 to junction Kentucky Highway 80, to junction U.S. Highway 421 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114019 (Sub-No. E448), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, (except in bulk), (1) from Rouseville, Reno and Oil City, Pa., to points in Colorado, (the plant site of Pennzoil at Maryland Heights, Mo.); (2) from points in that part of West Virginia within 2 miles of the Ohio River, northerly from Sistersville, West Virginia and Fly, Ohio and extending to junction U.S. Highway 40 at Martins Ferry, Ohio, and Wheeling, W. Va., to points in Colorado (Belmont County, Ohio (except Martins Ferry, Bridgeport, Bellaire and Powhatan Point, Ohio); St. Marys, W. Va. and the plantsite of Pennzoil at Maryland Heights, Mo.)* North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, and Indiana (Belmont County, Ohio and St. Marys, W. Va.)* The purpose of this filing is to eliminate the gateway of those marked with asterisks.

No. MC 114019 (Sub-No. E449), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629.

Applicant's representative: Arthur J. Siblk (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, and foods not frozen, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois and points in that part of Indiana on and west of a line beginning at Lake Michigan, thence along U.S. Highway 421 to junction U.S. Highway 231 to the Indiana-Kentucky State line, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island; (Chicago, Ill.) *; (b) from points in that part of Illinois on and north of U.S. Highway 36, to points in New Jersey (except points in the New York, N.Y. and Philadelphia, Pa., Commercial Zone); (c) from points in Cook County, Ill., to points in North Dakota, South Dakota, Nebraska, Iowa (Chicago, Ill.) *; (d) from points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to the junction of U.S. Highway 25, to the Ohio-Michigan State line, points in Pennsylvania and New York, and those points in New Jersey in the New York, N.Y., and Philadelphia, Pa., Commercial Zones as defined by the Commission, to points in North Dakota, South Dakota, Nebraska, Iowa (Chicago, Ill.) *, and Minnesota (Chicago, Ill. and Muscatine, Iowa*). The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 115311 (Sub- No. E1), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida, to points in Tennessee on and east of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Georgia on, north and east of a line beginning at the Savannah, Ga. and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga., and thence along Georgia Highway 11 to the Georgia-North Carolina State line.

No. MC 115311 (Sub-No. E3), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida on and east of the Apalachicola River, to points in Tennessee on and bounded by a line

beginning at the Georgia-Tennessee State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Georgia-Tennessee State line, thence west along the Georgia-Tennessee State line to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Georgia on, north and east of a line beginning at Savannah, Ga. and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Blairsville, Ga. and thence along Georgia Highway 11 to the Georgia-North Carolina State line.

No. MC 115311 (Sub-No. E4), filed May 13, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Millidgeville, Ga. 30106. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and dressed (except plywood and veneer), from points in Florida, to points in Yackin, Davidson, Guilford, Almarce, Davie, Randolph and Chatham Counties, N.C. The purpose of this filing is to eliminate the gateway of Athens, Ga.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29376 Filed 10-5-76;8:45 am]

[Notice No. 130]

MOTOR CARRIERS TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than October 21, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Sec-

retary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTORS CARRIERS OF PROPERTY

No. MC 20992 (Sub-No. 38TA), filed September 21, 1976. Applicant: DOT-SETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forage boxes, manure spreaders, wagons and related parts*, from the plant and warehouse sites of Forage King Industries, Inc., Ridgeland, Wis., to points in Minnesota, Wisconsin, Illinois, Michigan, North Dakota, South Dakota, Iowa, Missouri, Kansas, Nebraska, Indiana, Ohio, Pennsylvania and New York; and (2) *equipment, materials and supplies* used in the manufacture, production and distribution of the commodities named in (1) above, from points in Minnesota, Wisconsin, Illinois, Michigan, North Dakota, South Dakota, Iowa, Missouri, Kansas, Nebraska, Indiana, Ohio, Pennsylvania, and New York, to Ridgeland, Wis., restricted to traffic originating at or destined to Ridgeland, Wis., for 180 days. Supporting shipper: Forage King Industries, Inc., Ridgeland, Wis. 54763. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 21455 (Sub-No. 43TA) (Correction), filed August 30, 1976, published in the FEDERAL REGISTER issue of September 14, 1976, and republished as corrected this issue. Applicant: GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and dextros*, in packages and containers, from points in Illinois, Indiana, Iowa, Kansas, Minnesota and Missouri, to points in and west of Arkansas, Iowa, Louisiana, Missouri and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Feaster Foods Company, 4223 Center St., Omaha, Nebr. 68105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add the state of Indiana as an origin point in this proceeding.

No. MC 28088 (Sub-No. 19TA), filed September 22, 1976. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main St., Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Meat, meat products, and meat by-products*, from Grantsville, Md., to New York, N.Y., and its Commercial Zone, and Trenton, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yoder Meat Co., Grantsville, Md. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 107515 (Sub-No. 1024TA), filed September 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 18584, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp*; and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 109365 (Sub-No. 41TA), filed September 21, 1976. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P.O. Box 15, Ashdown, Ark. 71822. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp*, from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 109433 (Sub-No. 23TA), filed September 21, 1976. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge, dry*, in bulk, from Dunmore, Pa., to Bennington, Vt.; Middletown, Del.; and the International Boundary Line of the United States and Canada at Niagara Falls, N.Y., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gould, Inc., Metals Division, Dunmore, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 109891 (Sub-No. 29 TA), filed September 23, 1976. Applicant: INFINGER TRANSPORTATION CO., INC., P.O. Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers and empty pallets, between Jacksonville, Fla., on the one hand, and, on the other, North Charleston and Beaufort, S.C., for 180 days. Supporting shipper: Pearlstone Distributors, Inc., P.O. Box 10247, Charleston, S.C. 29411. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens, Columbia, S.C. 29201.

No. MC 112617 (Sub-No. 352 TA), filed September 22, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Rohm & Haas Company, in Knoxville, Tenn., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi and Virginia, restricted to shipments originating at Louisville, Ky., and stopped in transit for completion of loading and destined to the above states, for 180 days. Supporting shipper: Douglas A. Ferry, Assistant Traffic Manager of Operations, Independence Mall West, Philadelphia, Pa. 19105. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 113267 (Sub-No. 341TA), filed September 20, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 3010 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 North Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 114730 (Sub-No. 5TA), filed September 24, 1976. Applicant: V. VAN DYKE, doing business as VAN DYKE

TRUCK LINES, 150 South River St., Seattle, Wash. 98108. Applicant's representative: John Ranquet, 1344 Dexter Horton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes and parts thereof*, from Seattle, Wash., to Hollywood, Ala., TVA nuclear reactor construction site, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ederer Incorporated, 2931 1st Ave., South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 115162 (Sub-No. 333 TA), filed September 21, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, fittings and accessories* (except in bulk, in tank vehicles), between points in Monroe County, Miss., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: Evansville Plastics, Inc., Box 543, Mt. Vernon, Ind. 47620. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 115379 (Sub-No. 46 TA), filed September 22, 1976. Applicant: JOHN D. BOHR, INC., P.O. Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, from Wilmington, Del., to points in Pennsylvania, Virginia and Maryland, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. J. Baker & Bro., Inc., 360 Lexington Ave., New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 228 Walnut St., P.O. Box 369, Harrisburg, Pa. 17108.

No. MC 115917 (Sub-No. 31 TA), filed September 22, 1976. Applicant: UNDERWOOD AND WELD COMPANY, INC., P.O. Box 247, Crossmore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 665 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mica*, from points in Cleveland County, N.C., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shippers: The English Mica Company; and U.S. Mica Company, Inc., P.O. Box 709, Kings Mountain, N.C. 28086. Send pro-

tests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 116967 (Sub-No. 21 TA), filed September 20, 1976. Applicant: WONDAAL TRUCKING CO., INC., 2856 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ill. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, from the Michigan Vitrified Brick Co., in Corunna, Mich., to their distributor W. E. Olsen Co., 538 Busse Highway, in Park Ridge, Ill., under a continuing contract with W. E. Olsen Co. Applicant intends to tack its existing authority with MC-116967 Sub-20, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. E. Olsen Co., 538 Busse Highway, Park Ridge, Ill. 60068.

No. MC 117119 (Sub-No. 599TA), filed September 22, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188 Elm Spring, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Kansas and Missouri, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118989 (Sub-No. 147TA), filed September 20, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the warehouse facilities of Owens-Illinois, Inc., located at or near Toledo, Ohio, to Belleville and Centerville, Ill.; Frankenmuth, Mich., and Ft. Wayne, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 123255 (Sub-No. 13TA) (Correction), filed September 13, 1976, published in the FEDERAL REGISTER issue of September 24, 1976, and republished as corrected this issue. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Corrugated boxes and sheets* and (b) *materials, equipment and supplies* used in the manufacture or distribution of corrugated boxes and sheets (except commodities in bulk), between the plantsite of Boise Cascade Corporation, at or near West Memphis, Ark., on the one hand, and, on the other, points in Alabama, Louisiana, Mississippi, Missouri, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215. The purpose of this republication is to add the territorial description in this proceeding.

No. MC 126230 (Sub-No. 2TA), filed September 22, 1976. Applicant: SOUTHERN PACKAGING & STORAGE COMPANY, INC., West Irish St., Greeneville, Tenn. 37743. Applicant's representative: Powell D. Johnson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, unprinted*, in full trailer loads on skids or rolls, from Greeneville, Tenn., to Kingsport, Tenn., under a continuing contract with Westvaco Corporation, for 180 days. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 127820 (Sub-No. 7TA), filed September 21, 1976. Applicant: TRANSERVICE, INC., 1943 South Lawn Extension, Coshocton, Ohio 43812. Applicant's representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, Ohio 43220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gloves, boots, products, materials, and supplies* used in the manufacture, sale, and packaging of gloves and boots, and diagnostic equipment and apparatus, from Coshocton and Canton, Ohio, to Benicia, Calif., and (2) *gloves and products, materials, and supplies* used in the manufacture, packaging, and sale of gloves, from Benicia, Calif., to Itasca and Broadview, Ill., and Coshocton, Canton, and Massillon, Ohio, under a continuing contract with Becton, Dickinson and Company and its Edmont-Wilson Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Becton, Dickinson and Company and its Edmont-Wilson Division, Rutherford, N.J. 07070. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 128862 (Sub-No. 24TA), filed September 17, 1976. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Chhrs L. Cecil (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precipitation material*, in bulk, used in a leaching process to extract copper precipitations, from Deming, N. Mex., to Morenci, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M & T Chemicals Company, 335 Gellert Blvd., Daly City, Calif. 94015. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025.

No. MC 133566 (Sub-No. 60TA), filed September 23, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Illinois, Indiana, Ohio, Tennessee, Georgia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133796 (Sub-No. 37TA), filed September 21, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, from Exeter, Pa., to Tucson, Ariz., and Whittier, Downing, and Long Beach, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jewelcor, Inc., Erie & Susquehanna Ave., Exeter, Pa. 18643. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134599 (Sub-No. 149TA), filed September 23, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Aquariums, aquarium accessories and household pet cages, supplies, and equipment*, from East Paterson and May-

wood, N.J., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under a continuing contract with Mattel, Inc., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif. 90250. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 135007 (Sub-No. 58TA), filed September 17, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 F St., Omaha, Nebr. 68127. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from points in Bartow, Catonsville, Chattooga, Dade, Floyd, Gordon, Murray, Walker, and Whitfield Counties, Ga.; and Hamilton County, Tenn., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. Restrictions: (1) Restricted to transportation of shipments with a stop in transit for partial loading at Dyersburg, Tenn. (applicant presently holds authority to transport traffic for this shipper from Dyersburg, Tenn., to all destinations involved in this application). and (2) Restricted to a transportation service to be provided under a continuing contract with William Volker & Company of Burlingame, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William Volker & Company, W. Paul Tarter, Vice-President-Transportation, 945 California Drive, P.O. Box 529, Burlingame, Calif. 94010. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 136332 (Sub-No. 4TA), filed September 22, 1976. Applicant: A. & M. TRANSPORT LTD., P.O. Box 11, Havelock, New Brunswick, Canada EOA 1W0. Applicant's representative: Frederick T. McGonagle, 36 Main St., Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, in bulk, from the ports of entry, located on the International Boundary line between the United States and Canada, located in Aroostook County, Maine, to points in Aroostook County, Maine, under a continuing contract with Havelock Processing, Ltd., and Havelock Lime Works, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Havelock Processing, Ltd., and Havelock Lime Works, Ltd., Havelock, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 138000 (Sub-No. 22TA), filed September 22, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., and its commercial zone, to Cumberland, Md., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Malampy Bottling Works, 605 Fourth St., Cumberland, Md. 21502. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave. NW, Room 1413, District Supervisor Hersman, Washington, D.C. 20423.

No. MC 139495 (Sub-No. 169TA), filed September 21, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and wood pulp*, from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: M. E. Taylor, District Supervisor, Suite 101-A, Litwin Bldg., 110 North Market, Wichita, Kans. 67202.

No. MC 139999 (Sub-No. 13TA), filed September 22, 1976. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 North 11th St., Omaha, Nebr. 68110. Applicant's representative: Larry Buckminster (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsite and warehouse facilities of Minden Beef Company, at or near Minden, Nebr., to points in New York and Connecticut, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michael Smith, Traffic Manager, Minden Beef Co., Box 70, Minden, Nebr. 68959. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141320 (Sub-No. 5TA), filed September 22, 1976. Applicant: UNITED STATES PRIORITY TRANSPORT CORPORATION, 6 Ray Court, Melville, N.Y. 11746. Applicant's representative: Martin D. Friedman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)

Radiopharmaceuticals, medical test kits and related medical apparatus, between South Plainfield, N.J., on the one hand, and, on the other, points in Pennsylvania (except the counties of Lehigh, Northampton, Bucks, Montgomery, Delaware and Philadelphia), under continuing contracts with Medi-Physics, Inc.; (2) *radiopharmaceuticals, medical isotopes and medical test kits*, between Carlstadt, N.J., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, Maine, Vermont, New Hampshire and New York, under continuing contracts with Mallinckrodt, Inc.; and (3) *radiopharmaceuticals, medical isotopes and medical test kits*, between North Billerica, Mass., on the one hand, and, on the other, points in New York, New Jersey, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Pennsylvania and Delaware, under continuing contracts with New England Nuclear Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Medi-Physics, Inc., 900 Durham Ave., South Plainfield, N.J. 07080. Mallinckrodt, Inc., 463 Barel Ave., Carlstadt, N.J. 07072. New England Nuclear, Atomlight Place, North Billerica, Mass. 01862. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141810 (Sub-No. 2TA), filed September 23, 1976. Applicant: PORTER & KELIN TRANSPORT LTD., 241 Schoolhouse Road, Coquitlam, B.C., Canada. Applicant's representative: Robert G. Gleason, Evergreen Bldg., Suite 217, 15 S. Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and lumber*, between points in Oregon and Washington west of the Cascade Mountain range, to points on the International Boundary between the United States and Canada and British Columbia and Alberta, Canada, at or near Blaine, Sumas and Oroville, Wash., and Eastport, Idaho, on traffic originating at or destined to Vancouver, B.C., Edmonton and Calgary, Alberta, Canada under a continuing contract with Cascade Imperial Mills Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cascade Imperial Mills Ltd., 1250 Richards St., Vancouver, B.C., Canada V6B 4H7. Send protests to: L.D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142423 (Sub-No. 1TA), filed September 20, 1976. Applicant: BIG D CARTAGE, INC., 28091 Kingberry Drive, Mt. Clemens, Mich. 48043. Applicant's representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, Mich. 48064. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Malt beverages*, from Milwaukee, Wis., to points in Macomb County, Mich., with *empty containers* on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vic Wertz Distributing Co., General Manager, Mitch Housey, 40585 Production Drive, Mt. Clemens, Mich. 48043. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 142435 (Sub-No. 1TA), filed September 21, 1976. Applicant: BRUMMETT ENTERPRISES, INC., 855 Boling St., P.O. Box 9831, Jackson, Miss. 39206. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings* for motels, in room modular concept, from Hinds County, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Holiday Inns, Inc., 3796 Lamar Ave., Memphis, Tenn. 38118. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 142451 (Sub-No. 1TA), filed September 21, 1976. Applicant: JAMES L. SMITH AND JERRY ATTKISSON, doing business as SMITH AND ATTKISSON TRUCKING COMPANY, Route 2, Columbia, Tenn. 38401. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica Gravel*, in bulk, in dump vehicles, from points in Franklin County, Ala., to points in Maury County, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, Nyala Farm Road, Westport, Conn. 06880. Send protests to:

Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29375 Filed 10-5-76;8:45 am]

[Ex Parte No. 284]

PERISHABLE COMMODITIES

Investigation into the Need for Defining Reasonable Dispatch

SEPTEMBER 29, 1976.

Present: A. Daniel O'Neal, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, including the report and order of April 8, 1976 (351 I.C.C. 812), in which (a) certain regulations (49 CFR Part 1938) were conditionally adopted; (b) all interested persons were given an opportunity to show cause, if any there may be, why such regulations should not be made operative and effective; and (c) all parties to this proceeding and all other persons interested in the safe and expeditious transportation of perishable commodities were invited to participate in a shipper-carrier conference for the purpose of identifying problems and exploring possible long-term solutions therefor; and

It appearing, That all pleadings and comments of the parties identified in the appendix hereto, which were submitted in connection with the conditionally adopted regulations referred to in (a) above, have been given due consideration; and that the consensus of said parties is (1) that the regulations referred to should not be made operative and effective at this time, and (2) that a shipper-carrier conference of the nature proposed in the report should be convened;

It further appearing, That in view of the opposition to the conditionally adopted regulations, their taking effect should be postponed until further order of this Commission; and that this Commission therefore should proceed to convene a shipper-carrier conference for the purposes referred to in the report and order of April 8, 1976; and good cause appearing therefor:

It is ordered, That the effective date of the regulations conditionally adopted in this proceeding be, and it is

hereby, postponed until further order of this Commission.

It is further ordered, That a shipper-carrier conference be, and it is hereby, called for the purposes described in the report and order of April 8, 1976. Date of commencement of the conference and location of the conference room will be by subsequent notice.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 28th day of September, 1976.

By the Commission, Commissioner O'Neal.

ROBERT L. OSWALD,
Secretary.

APPENDIX

The names of those who submitted comments on the regulations conditionally adopted in this proceeding are listed below. Names indented are those of parties who filed joint statements with parties listed immediately above them.

American Meat Institute
American Trucking Associations, Inc.
National Motor Freight Traffic Association, Inc.
Association of American Railroads
Seaboard Coast Line Railroad Company
Consolidated Rail Corporation
Maine Central Railroad Company
Portland Terminal Company
Southern Railway Company
Chesapeake and Ohio Railway Company
Baltimore and Ohio Railroad Company
Western Maryland Railway Company
Staten Island Railroad Corporation
Atchison, Topeka and Santa Fe Railway Company
Norfolk and Western Railway Company
Burlington Northern, Inc.
Blue Anchor, Inc.
Bureau of Enforcement, Interstate Commerce Commission
California Grape & Tree Fruit League
Colonial Refrigerated Transportation, Inc.
Subler Transfer, Inc.
Coldway Food Express, Inc.
Riggs Food Express, Inc.
Fredonia Express, Inc.
Eli Lilly and Company
Sunkist Growers, Inc.
Swift Dairy & Poultry Company
Swift Edible Oil Company
Swift Fresh Meats Company
Swift Processed Meats Company
Unitech Chemical Inc.
United Fresh Fruit and Vegetable Association
Western Growers Association

[FR Doc.76-29372 Filed 10-5-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 6, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary
for Community Planning
and Development**

■

COMPREHENSIVE PLANNING ASSISTANCE

Review and Approval Process

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for
Community Planning and Development

[24 CFR Part 600]

[Docket No. R-76-310]

COMPREHENSIVE PLANNING ASSISTANCE

Review and Approval Process

Notice is hereby given that the Department ("HUD") proposes to amend Chapter VI of Title 24 of the Code of Federal Regulations by amending §§ 600.7(c), 600.65(a) and (b), and 600.67(c) and by adding a new § 600.73 to Subpart B—Special Requirements. The new section is added for the purpose of establishing a process whereby an applicant may request approval of the land use and housing elements in its comprehensive plan. Section 701(c) of the Housing Act of 1954 as amended by the Housing and Community Development Act of 1974 provides that a recipient of 701 assistance must carry out an ongoing comprehensive planning process which includes the development of a comprehensive plan which shall include, as a minimum, a housing element and a land use element. Section 701(d) provides that HUD shall make no 701 grant after August 22, 1977, unless HUD is satisfied that an applicant's comprehensive plan includes the housing and land use elements required by Section 701(c). Part 600, 24 CFR was published on August 22, 1975, at 40 FR 36856.

The new section includes:

1. A requirement for submission of a summary statement describing how the requirements of the regulations relating to the land use and housing elements have been satisfied;

2. A requirement for submission of documents evidencing completion of all activities necessary to satisfy the requirements of the regulations relating to the land use and housing elements;

3. A requirement for endorsement of the land use and housing elements by the chief executive officer;

4. A requirement for the submission of the documentation relating to the land use and housing elements to State and regional or metropolitan clearinghouses at least 45 days prior to submission to HUD;

5. A requirement for coordination of the land use element with those programs of HUD and other Federal programs impacting the use of land;

6. A listing of the principal criteria to be considered in the development and HUD review of the housing and land use elements;

7. A requirement for certification by the applicant's chief executive officer that the housing and land use elements are consistent with each other;

8. Identification of HUD officials responsible for approvals and disapprovals of the land use and housing elements;

9. A requirement for certification by new applicants concerning prior participation in the 701 program;

10. Requirements for minimum elements for the State review and approval process to be used in assessing the land use and housing elements of substate applicants; and

11. Provision for HUD review and concurrence on all state actions on housing and land use elements of substate applicants applying to the State on a voluntary basis.

The amendment to § 600.7(c) clarifies the definition of chief executive officer with respect to states and areawide planning organizations.

The amendments to § 600.65(a) and (b) add a requirement that applicants incorporate HUD environmental policies and standards impacting the use of land and provide a statement indicating any proposed deviations from HUD environmental policies and standards.

The amendment to § 600.67(c) adds a definition of "new applicants" after August 22, 1977 for the purpose of making the determination whether an applicant has received a prior 701 grant.

Interested persons are invited to participate in the proposed rulemaking by submitting such written statements or comments as they may desire on or before November 8, 1976. Communications should refer to docket number and date and should be filed with the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding that this regulation is not subject to inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address. (Sec. 701, Housing Act of 1954, 68 Stat. 640; (40 U.S.C. 461); Secretary's delegation of authority published at 36 FR 5004, effective March 8, 1971.)

Accordingly, it is proposed that 24 CFR Part 600 be amended as follows:

1. The table of contents is amended by adding a new § 600.73 as follows:

Sec.
600.73 Land use and housing elements: Review and approval process.

2. In § 600.7, paragraph (c) is revised as follows:

§ 600.7 Definitions.

(c) "Chief Executive Officer" means the elected official, or the legally designated official, who has the primary responsibility for the conduct of the governmental affairs of a state, unit of general local government or areawide planning organization. Examples of the "Chief Executive Officer" of a state, unit of general local government or an area-

wide planning organization may be: The governor of a state; the elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of general local government; the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village; and the highest policy officer of an areawide planning organization.

3. In § 600.65, paragraphs (a) (5) and (b) (1) (viii) are added as follows:

§ 600.65 Environmental requirements.

(a) * * *

(5) Incorporate HUD environmental policies and standards impacting the use of land including those for flood plain management (24 CFR Part 1910), noise abatement and control (Circular 1390.2) and others established from time to time.

(b) * * *

(1) * * *

(viii) A statement indicating any proposed deviations from HUD environmental policies and standards impacting the use of land including those for flood plain management, noise abatement and control and others established from time to time. Measures to achieve conformity and mitigation shall be identified and discussed.

4. In § 600.67, paragraph (c) is amended by adding the paragraph below after the present paragraph under (c):

§ 600.67 Comprehensive planning requirements.

(c) Limitations. * * *

For the purpose of making the determination whether an applicant has received a prior 701 grant, a 701 grant is defined as (1) the use of 701 funds by or on behalf of a recipient who provides all or a portion of the non-Federal match, or (2) the use of 701 funds to support a recipient's staff regardless of who provides the non-Federal match. Services, financed in whole or in part with 701 funds, provided at no cost to recipients are not considered grants.

5. A new § 600.73 is added to read as follows:

§ 600.73 Land use and housing elements: Review and approval process.

Compliance by applicants, identified in § 600.25 (a) through (f), with the housing and land use elements required by § 600.67(b), and more particularly described in §§ 600.70 and 600.72, shall be determined in accordance with the following:

(a) *Request for approval.* The request for approval shall be by letter from the applicant's chief executive officer. The approval request shall include the following:

(1) Summary statement.

(2) Documents, including coordination mechanisms, implementation tools and environmental and historic preservation assessments, which constitute the element.

(3) A statement by the chief executive officer that the summary statement and documents represent the policy of the chief executive for the jurisdiction with respect to the subject element.

(4) A statement that the CZM program and the land use element are consistent with each other, if applicable.

(5) A statement that the EPA 208 program and the 701 program are, or will be, consistent with each other, if applicable.

(6) A statement that the land use and housing elements are consistent with each other.

(7) A copy of the letter or other document used to transmit the land use and/or housing elements to the legislative body.

(8) A copy of the state and regional or metropolitan clearinghouses comments.

(9) A statement indicating any proposed deviations from HUD environmental policies and standards impacting the use of land.

(b) *Summary statement.* Each applicant shall submit a summary statement, prepared in accordance with paragraph (c) of this section describing how it has complied with the statutory land use and housing element requirements of §§ 600.67(b), 600.70 and 600.72. This summary statement will serve as the primary basis for review by HUD or by the State (in the case of applicants applying to the state for grant assistance) to determine the acceptability of the housing and land use elements. To facilitate review, HUD or the state may also require an oral presentation of data relating to the elements. Applicants may initiate informal consultation with HUD or the state prior to formal submission.

(c) *Summary statement contents.* The summary statement shall contain a brief description of how each requirement of the land use and housing elements have been satisfied including citations to the supporting reports and documents. The requirements should be addressed individually as follows:

(1) *Land use and housing elements.* All applicants. Section § 600.67(b) concerning broad goals, annual objectives, programs designed to accomplish the objectives and procedures and criteria to be used in evaluating programs and activities to determine whether the objectives are being met.

(2) *Land use element—(i) States and areawides.* Section 600.72(b) (1) through (4).

(ii) *Large cities, urban counties and localities.* Section 600.72(c) (1) through (4).

(3) *Housing element—(i) All applicants.* Section 600.70(a) (1) through (4).

(ii) *States.* Section 600.70(b) (1).

(iii) *Areawide planning organizations.* Section 600.70(b) (2) (i) and (ii).

(iv) *Large cities, urban counties and localities.* Section 600.70(b) (3) (i) through (iii).

(4) *Environmental assessment: All applicants.* Section 600.65(b) (1) (i) through (viii).

(5) *Historic preservation assessment. All applicants.* Section 600.66(d) (1) (i) through (vi).

(d) *Documentation.* Documents, including coordination mechanisms, implementation tools and environmental and historic preservation assessments, shall be submitted with a request for approval of a land use or housing element.

(e) *Endorsement.* The summary statement and documents shall be transmitted to HUD by a letter from the applicant's chief executive officer. The transmittal letter shall include a statement that the summary report and documents represent the policy of the chief executive officer for the jurisdiction with respect to the element in question.

(f) *Interagency coordination.* Pursuant to § 600.67(d), the following procedures must be followed where a state or areawide planning organization is participating in the Coastal Zone Management (CZM) program or Environmental Protection Agency Areawide Waste Treatment Management Planning Assistance (208) program.

(1) *CZM Program participants.* CZM program participants shall include a copy of the completed CZM management program with the submission of its land use element documentation and a statement signed by the chief executive officer that the CZM program and the land use element are consistent with each other or if the CZM program has not been completed that it will be made consistent with the 701 land use element.

(2) *EPA 208 Program participants.* States and areawide planning organizations shall include with the submission of their land use documentation a statement, signed by the chief executive officer, that the land use element prepared to fulfill the requirements of the 701 program, and the EPA (208) program are identical or consistent or that they are inconsistent including the reasons therefore and the steps planned to achieve consistency or if the EPA (208) plan has not been completed that efforts will be made to make it consistent with the 701 land use element.

(g) *Land use and housing element consistency.* The land use and housing element documentation shall include a statement signed by the chief executive officer indicating that the land use and housing elements are consistent with each other. In the event the elements are not submitted simultaneously, the first element submitted need not contain any statement of consistency. When the second element is submitted the chief executive officer shall include a signed statement that such element is consistent with the element previously submitted.

(h) *Notifications.* The following notifications shall be carried out prior to a formal request to HUD to approve a land use or housing element.

(1) *Legislative notification.* The chief executive officer shall submit the summary statement and documents to the legislative body by letter or other appropriate means.

The transmittal shall identify areas of potential legislative action and indicate that the summary statement and documents are being submitted to HUD in satisfaction of HUD's land use and/or housing element requirements. In the case of areawide planning organizations, the summary statement and documents shall be approved by the policy body and be officially transmitted to member jurisdictions. The transmittal letter shall identify areas of potential municipal or county legislative or other action and indicate that the summary statement and documents are being submitted to HUD in satisfaction of HUD's land use and/or housing element requirements.

(2) *Clearinghouse notification.* The summary report and documents shall be submitted for review and comment to the state and regional or metropolitan clearinghouses having jurisdiction at least 45 days prior to submission to HUD.

(i) *Review Criteria.* HUD review shall be based principally on the extent to which the applicant meets or exceeds the requirements applicable to the land use and housing elements, as found in:

(1) Section 600.67(b)—Comprehensive plan requirements establishing general requirements applicable to the requisite elements;

(2) Section 600.70—Required housing element describing the components of the housing element;

(3) Section 600.72—Required land use element describing the components of the land use element;

(4) Section 600.65—Environmental requirements describing the environmental assessment required for developmental plans or policies including land use and housing plans and policies. The assessment must encompass the entire element including any portions developed with other Federal or local funds.

(5) Section 600.66—Historic preservation requirements describing the historic preservation assessment required for plans or policies for development which may impact National Register properties including land use and housing plans and policies. The assessments must encompass the entire element including any portions developed with other Federal or local funds.

(j) *Approval and Disapproval.* Approvals and disapprovals shall be made by the HUD Officer designated in the delegations of authority published in the Federal Register.

(1) *Approvals.* Approvals shall be based upon a finding that all of the requirements applicable to the land use and housing elements required of recipients have been met.

(2) *Disapprovals.* A disapproval action shall clearly delineate the reasons for disapproval and specify what corrective actions shall be necessary to obtain approval.

(k) *Timing of Approvals.* Requests for approval may be submitted at the convenience of the applicant. In order to insure continuity in on-going programs, requests for approval after August 22, 1977 should be submitted to HUD at least 90

days prior to the end of the recipient's project period.

(1) *Certification by new applicants.* New applicants applying directly to HUD or to the State after August 22, 1977 shall submit a certification that they have never received a prior grant.

(m) *State review and approval process.* Pursuant to § 600.115(c), the State overall program design shall describe the review and approval process to be used in determining substate compliance with all program requirements, including the two required elements. Approvals and disapprovals shall be made by the person designated by law or by the governor for approving substate grants. At a minimum the State process shall include:

- (1) Chief executive endorsement;
- (2) Clearinghouse review and comment;

(3) Interagency coordination;

(4) Compliance with all applicable requirements of this Part;

(5) A clear statement of the reasons for any disapprovals; and

(6) An adequate record of all actions taken.

(n) *HUD review of State approvals of required elements.* HUD, in evaluating State administrative performance, shall review and concur in all State actions on substate plan elements for an applicant applying to the State on a voluntary basis pursuant to § 600.120(j); A state may not award any grants to such an applicant after August 22, 1977 until HUD concurrence has been obtained. When mutually agreeable between HUD and the State, a joint review and approval process may be established to facilitate the review of substate plan elements for applicants applying to the

state on a voluntary basis. For monitoring purposes HUD will also selectively review state actions on applicants required to apply to the state.

(o) *Biennial review.* Each applicant whose land use and housing elements are approved pursuant to this section shall submit biennially beginning no later than two years from the date that the last element was approved:

(1) An evaluation of the progress made by it during the previous two years in meeting objectives set forth in its plan, and

(2) A description of any changes in the goals or objectives of the plan.

Issued at Washington, D.C., September 29, 1976.

WARREN H. BUTLER,
Deputy Assistant Secretary for Com-
munity Planning and Development.

[FR Doc.76-29284 Filed 10-5-76;8:45 am]

WEDNESDAY, OCTOBER 6, 1976



PART III:

CONSUMER PRODUCT SAFETY COMMISSION



LEAD-BASED PAINT

**Consumer Products; Proposed
Promulgation and Revocation of
Regulation; Extension of Comment Periods**

Hearing: Safe Level Determination

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1150]

LEAD-BASED PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-BASED PAINT

Banned Hazardous Products; Extension of Date for Filing Comments; Extension of Date for Promulgating Rule or Withdrawing Proposed Rule

The purpose of this notice is to announce the extension until April 1, 1977, of the period of time within which the Consumer Product Safety Commission is required to either promulgate or withdraw the consumer product safety rule regarding lead-based paint proposed on August 10, 1976. This notice also announces that the period of time for submitting written comments on the August 10 proposal is extended until October 26, 1976.

In the FEDERAL REGISTER of August 10, 1976 (41 FR 33637), the Commission proposed to establish a regulation (16 CFR Part 1150) under sections 8 and 9 of the Consumer Product Safety Act (15 U.S.C. 2057, 2058) to declare as banned hazardous products (1) lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead. An oral hearing on the matter at which all interested persons were given the opportunity to testify was conducted on September 13, 1976. The last date for filing written comments on the proposal was September 24, 1976.

The determination of a safe level of lead will be made in accordance with a separate proceeding under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended (Pub. L. 94-317). This proceeding was also commenced by an announcement in the FEDERAL REGISTER on August 10, 1976, 41 FR 33636, and the period of time for filing written comments relating to that proceeding has also been extended from September 24, 1976 until October 26, 1976 by FR Doc. 76-29321 appearing in this issue of the FEDERAL REGISTER.

As provided in section 9 of the Consumer Product Safety Act, whenever the Commission proposes a rule declaring a product to be a banned hazardous product, it must, within 60 days after publication of the proposal, (1) promulgate the consumer product safety rule if the appropriate findings are made, or (2) withdraw the proposal if it determines that the rule is not reasonably necessary or not in the public interest. The 60-day period, however, may be extended for good cause if the Commission publishes its reasons for the extension in the FEDERAL REGISTER. In the case of the

August 10 proposal, the 60th day falls on October 9, 1976.

With respect to promulgating or withdrawing the consumer product safety rule proposed on August 10, the Commission believes that a reasonable date for publication of the appropriate FEDERAL REGISTER notice is April 1, 1977. As indicated in the August 10 proposal, the Commission intends to establish the maximum level of lead in paint under the Consumer Product Safety Act rule at the level determined to be a safe level under the LBPPPA. Therefore, since the determination under the LBPPPA is required to be made after consideration of available information, including the recommendations of several specific agencies and organizations, and after providing the opportunity for an oral hearing, an extension of the period until April 1 is necessary to permit the Commission to first consider the information available with respect to determining a safe level of lead in paint. Thereafter, the Commission must consider available information with respect to the findings necessary for promulgating the proposed consumer product safety rule. Additional time will also be required to consider and respond to the comments submitted on the proposal and to draft the FEDERAL REGISTER notice establishing the rule.

Regarding the period of time for submitting written comments and information relating to the consumer product safety rule proposed on August 10, the Commission (as in the matter of extending the comment period in the LBPPPA proceeding from September 24 until October 26, 1976, announced elsewhere in this issue of the FEDERAL REGISTER) is also extending the comment period in the instant proceeding until October 26, based on a request submitted by the National Paint and Coatings Association. This is to ensure that the information available is as complete as possible.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (secs. 8, 9, 36 Stat. 1215-17; 15 U.S.C. 2057, 2058), the Commission, for good cause, as stated above, extends the period of time within which it must promulgate or withdraw the consumer product safety rule (16 CFR Part 1150) proposed in the FEDERAL REGISTER of August 10, 1976 (41 FR 33637) until April 1, 1977.

Interested persons may submit written material relevant to the proposal, including data, views, and arguments, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, before the close of business, October 26, 1976. Received submissions may be inspected in the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc. 76-29322 Filed 10-5-76; 8:45 am]

[16 CFR Part 1500]

CERTAIN LEAD-CONTAINING PAINT; TOYS AND OTHER ARTICLES BEARING SUCH PAINT INTENDED FOR USE BY CHILDREN

Proposed Revocation of Regulation; Extension of Time for Submitting Comments

The purpose of this notice is to announce that the comment period on the proceeding to revoke a regulation (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act (FHSA), (15 U.S.C. 1261 et seq.), declaring certain lead-containing paint, and toys or other articles intended for use by children bearing such paint, to be banned hazardous substances, has been extended from September 24, 1976, until October 26, 1976.

A notice was published in the FEDERAL REGISTER of August 10, 1976 (41 FR 33636), commencing a proceeding under recent amendments (Pub. L. 94-317) to the Lead-Based Paint Poisoning Prevention Act (LBPPPA) (42 U.S.C. 4801 et seq.) for a determination by the Consumer Product Safety Commission of a safe level of lead in paint for residential uses. On the same date a notice was also published proposing a consumer product safety rule under the Consumer Product Safety Act (CPSA) to declare as banned hazardous products paint, similar surface-coating materials, toys, articles intended for use by children, and articles of furniture, containing or bearing lead or paint or other similar surface-coating materials with lead in excess of the level determined safe under the LBPPPA. Since the proposal under the Consumer Product Safety Act would, if promulgated, supplant the FHSA lead paint regulation, a proposal was also published on August 10 (41 FR 33640) to revoke the regulation simultaneous with the promulgation of the consumer product safety rule.

Elsewhere in this issue of the FEDERAL REGISTER, (FR Doc. 76-29322, Proposed Rules and FR Doc. 76-29321, notices) notices have been published extending the period of time for the filing of written comments and information on the LBPPPA and CPSA proceedings from September 24, 1976, until October 26, 1976. This extension was based upon a request submitted by the National Paint and Coatings Association for additional time to submit information. Since the proposed revocation of the regulation under the FHSA is directly related to the proceedings under the LBPPPA and CPSA, it is appropriate to extend the comment period on the FHSA proposal from September 24, 1976, until October 26, 1976, as well.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended by 80 Stat. 1304-05; (15 U.S.C. 1261(f)(1)(A), (q))) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 371(e), (f), (g))) and under authority vested in the Commission by the Consumer Product Safety Act (sec.

30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission extends the period of time for submitting written comments on the proposal of August 10, 1976 (41 FR 33640), to revoke 16 CFR 1500.17(a) (6) until October 26, 1976.

Interested persons are invited to submit, on or before October 26, 1976 written comments, regarding this proposal. Written comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 3rd floor, 1111 18th Street N.W., Washington, D.C. during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
*Secretary, Consumer Product
Safety Commission.*

[FR Doc.76-29323 Filed 10-5-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Proceeding To Determine Safe Level; Extension of Comment Period

The purpose of this notice is to announce that the comment period on the proceeding to determine a safe level of lead in paint has been extended from September 24, 1976, until October 26, 1976.

On August 10, 1976, the Consumer Product Safety Commission published a notice in the *FEDERAL REGISTER* (41 FR 33636) commencing a proceeding under recent amendments (Pub. L. 94-317) to the Lead-Based Paint Poisoning Prevention Act (LBPPPA) (42 U.S.C. 4801 *et seq.*) to determine a safe level of lead in paint for residential uses.

Under the amended LBPPPA the Commission has been directed to determine whether a level of lead in paint which is greater than 0.06 percent, but not over 0.5 percent, is safe. If the Commission makes such a determination the definition of the term "lead-based paint," with respect to paint manufactured after the expiration of the 6-month period beginning on the date of the Commission's determination, means paint containing by weight (calculated as lead metal) in the total non-volatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, more than the level of lead determined by the Commission to be safe.

If the definition of the term "lead-based paint" has not been established by a Commission determination the term means, with respect to paint which is manufactured after June 22, 1977, paint containing more than 0.06 percent lead by weight. The present definition of the term "lead-based paint" is paint containing more than 0.5 percent lead by weight.

The amended LBPPPA specifies that the Commission determination of a safe level of lead in paint is to be made before December 23, 1976, and is to be based on all available data and information after providing an opportunity for an oral hearing and after considering recommendations of the Secretary of Health, Education, and Welfare (including those of the Center for Disease Control) and of the National Academy of Sciences.

The oral hearing in this matter was conducted on September 13, 1976, and a transcript was made which is available for inspection at the Office of the Secretary, 3rd floor, 1111 18th Street N.W., Washington, D.C. The recommendations of the Department of Health, Education, and Welfare and the National Academy of Sciences as well as other comments and information pertaining to the matter have also been received and are available for inspection in the Office of the Secretary.

The last date for the submission of written information and comments regarding this proceeding had been established by the Commission and announced in the *FEDERAL REGISTER* notice of Au-

gust 10, 1976, as September 24, 1976. The National Paint and Coatings Association, however, representatives of which testified at the oral hearing on September 13, has requested that the comment period be extended to provide additional time to submit responses to questions presented at the hearing by counsel for Consumers Union and certain other information. The Commission, after considering this request, believes that it is desirable to have the record for decision as complete as possible, and has therefore decided to extend the comment period to October 26, 1976 for all interested parties. An extension of the comment period to this date is reasonable because it will permit all available information to be evaluated by the Commission prior to its December 22, 1976 deadline for a decision on a safe level of lead in paint.

Accordingly, interested persons may submit relevant written material, including data, views, and arguments, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, before the close of business, October 26, 1976. Received submissions may be inspected in the Office of the Secretary, 3rd floor, 1111 18th St. N.W., Washington, D.C., during working hours Monday through Friday.

Dated: October 1, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.76-29321 Filed 10-5-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 6, 1976



PART IV:

FEDERAL ELECTION COMMISSION

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**POLICY STATEMENTS
ON CONTRIBUTIONS**

**INDEX TO
MULTICANDIDATE
COMMITTEES**

FEDERAL ELECTION COMMISSION

[Notice 1976-46]

CONTRIBUTIONS TO POLITICAL COMMITTEES MAKING INDEPENDENT EXPENDITURES ON BEHALF OF A CLEARLY IDENTIFIED CANDIDATE

Policy Statement

The Commission today publishes a policy statement concerning application of the contribution limits in 2 U.S.C. 441a to persons who make contributions to a political committee which makes independent expenditures on behalf of at least one Federal candidate. Also published with this policy statement is a recent response of the Commission to an Advisory Opinion Request which concerns one factual situation involving application of this policy.

Dated: October 1, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

The Commission's proposed regulations, § 110.1(h), provide that a person may contribute \$1,000 per election to a candidate (or \$5,000 if the contributor is a qualified multicandidate political committee), and also contribute to a political committee which has supported, or anticipates supporting that candidate without violating the contribution limitations contained in 2 U.S.C. 441a(a) (1) (A) and (2) (A): *Provided*, (i) The recipient political committee is not the candidate's principal campaign committee or other authorized committee or a single candidate committee, and (ii) the contributor does not give to the committee with the knowledge that a substantial portion of the contributor's funds will be contributed by the committee to that candidate or expended on behalf of the candidate. Thus, if the donor had contributed the applicable maximum contribution to the candidate, and the requirements of § 110.1(h) were not met, the donor could not contribute any amount to the political committee with respect to the same election. See the Commission's response to Advisory Opinion Request 1976-20 (published as an appendix to this statement). If the political committee satisfied the requirements of § 110.1(h) it could accept, as "any * * * political committee," contributions not exceeding \$5,000 per year from both individuals and multicandidate political committees, 2 U.S.C. 441a(a) (1) (C) and (2) (C), including such contributions from those persons who had given their maximum contribution to a candidate the political committee supports.

In the case of the general election campaign of presidential candidates who have accepted full public funding, 26 U.S.C. 9003(b) prohibits the acceptance of a contribution in any amount "by such candidates or any of their authorized committees." The Commission concludes that this section would not prohibit an unauthorized committee making independent expenditures on behalf of such

a presidential candidate from accepting contributions limited to \$1,000 from an individual donor, or \$5,000 from a multicandidate political committee. Although contributions to such an unauthorized committee are made for the benefit of the candidate and therefore counted against the donor's contribution limit to the candidate, the contribution is given, not to the candidate, but to the unauthorized committee. Hence, there is no prohibited acceptance of the contribution by the presidential candidate or any authorized committees of that candidate.

Contributions, by definition, are made for the purpose of influencing a Federal election. That the contribution is made to a committee making independent expenditures does not remove the "purpose" from the contribution. Therefore, the \$5,000 and \$25,000 contribution limitations apply to contributions made to committees making independent expenditures, and if the committee were a single candidate committee contributions to it would be limited to \$1,000 per election, or \$5,000 if the donor were a multicandidate political committee (assuming the donor had given no contribution to the candidate the committee supports).

It is further the view of the Commission that expenditures made on behalf of a clearly identified candidate by or through any person who is, or has been, authorized to raise or expend funds; who is, or has been, an officer or an authorized committee of that candidate; or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent is presumptively not independent, see § 109.1(b) (4) of the proposed regulations.

This policy statement is being issued on an interim basis for guidance to candidates and committees pending final issuance by the Commission of regulations. Proposed regulations were submitted to the Congress on August 3, 1976, and published in the FEDERAL REGISTER of August 25. They may be prescribed only after expiration of thirty legislative days from the date received by Congress and only if neither the House nor the Senate has disapproved the proposed regulations during that period.

Re: AOR 1976-20
Mr. CHARLES H. BREECHER,
Delaware Volunteers for Reagan,
133 Columbia Avenue,
Rehoboth Beach, Del. 19971

AUGUST 17, 1976.

DEAR Mr. BREECHER: This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in "Buckley v. Valeo," 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. 437f, as amended by the

Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. 431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§ 431(e) and (f). Under 2 U.S.C. 441a(a) (1) (O) and (a) (2) (C) persons¹ and multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year to "any * * * political committee." Therefore, as a general rule a committee within the definition of § 431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. 441a(a) (3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. 441a(a) (1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. 441a(a) (2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act to Governor Reagan may contribute any amount to Delaware Volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. 441a(a) (1) (A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (section 441a(a) (7) (A)); expenditures made in consultation with or at the suggestion of the candidate (section 441a(a) (7) (B) (i)); or contributions made either directly or indirectly on behalf of a particular candidate (section 441a(a) (8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to a

¹ "Person" is defined in 2 U.S.C. 431(h), and includes an individual, partnership, committee and any other organization or group of persons.

candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate. Conference Report, No. 94-1057, pp. 58, 59, April 28, 1976.

The Commission's proposed regulations reflect this Congressional intent in § 110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permit the symbolic expression of support evidenced by a contribution but does not in any way infringe the contributor's freedom to discuss candidates and issues. 96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per elec-

² "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. § 431(p).

tion to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate.³ A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in § 110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved § 110.1(h) of the proposed regulations.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them, 2 U.S.C. 438 (c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-29315 Filed 10-5-76;8:45 am]

[Notice 1976-50]

FAMILY MEMBER CONTRIBUTION LIMITS IN LIGHT OF BUCKLEY v. VALEO AND THE 1976 AMENDMENTS TO THE FED- ERAL ELECTION CAMPAIGN ACT OF 1971

Policy Statement

The Commission today publishes a policy statement concerning application of the contribution limits in 2 U.S.C. 441a to contributions made by members of a candidate's immediate family to the related candidate. The policy statement summarizes the legal developments with respect to this issue beginning with the enactment of the 1974 Amendments to the Federal Election Campaign Act of 1971 and concluding with the effect of the 1976 Amendments. As an appendix to the policy statement, the Commission also publishes two advisory opinions relating to this issue, AO 1975-65 and AO 1976-26.

Dated: OCTOBER 1, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

The Commission issues this policy statement under authority granted it by 437c(b)(1) and 437d(a)(9) of Title 2, United States Code, in response to the uncertainty which exists concerning the correct contribution limits for members

³ If the person is a multi-candidate committee under 2 U.S.C. § 441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

of a Federal candidate's immediate family.

The applicable limitation on the amount an immediate family member could contribute to a Federal candidate has changed during the period between the enactment of the 1974 and 1976 Amendments to the Federal Election Campaign Act of 1971. Title 18, United States Code 608(a)(1) permitted a candidate to "make expenditures from his personal funds, or the personal funds of his immediate family" up to the amount designated for the Federal office sought. This language was interpreted by the United States Court of Appeals, in August 1975, as replacing the 608(b)(1) \$1,000 individual contribution limitation for members of a candidate's immediate family. "Buckley v. Valeo," 519 F. 2d 821, 854 (1975). The Commission adopted the appellate court's interpretation in Advisory Opinion 1975-65 (40 FR 58393, December 16, 1975), which held that an immediate family member could lawfully contribute in excess of \$1,000 to a related candidate, so long as his or her total yearly contributions did not exceed \$25,000, the annual aggregate limitation on contributions by an individual contained in 18 U.S.C. § 608(b)(3) [now codified as 2 U.S.C. 441a(a)(3)].

Subsequently, on January 30, 1976 the Supreme Court held in "Buckley v. Valeo," 424 U.S. 1, that the expenditure limitations in sections 608(a), 608(c) and 608(e) of Title 18, United States Code were unconstitutional. The Court upheld the limitations on contributions¹ to a Federal candidate, however, and in footnote 57 of the opinion reviewed the legislative history of the individual contribution limitation. The Court strongly suggested that Congress intended such family members to be subject to the \$1,000 per election individual limitation on contributions to a Federal candidate.

The \$1,000 individual contribution limitation on family members was clearly incorporated into the 1976 Amendments, which went into effect on May 11, 1976. Now codified at 2 U.S.C. 441a(a)(1)(A), the limitation states: "No person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$1,000." As further evidence of congressional intent, the Commission notes the following language in the Joint Explanatory Statement of the Committee of Conference (Conference Report, No. 94-1057, p. 73): "The conference substitute does not in any way disturb the \$1,000 contribution limit applicable to all individuals, including the immediate family of a candidate." (Emphasis added.) Section 110.10(b) of the Commission's proposed regulations, involving expenditures by candidates, illustrates the application of this limita-

¹ \$1,000 from a person, 2 U.S.C. 441a(a)(1)(A); \$5,000 from a multicandidate political committee, 2 U.S.C. 441a(a)(2)(A); and \$25,000 annual aggregate by an individual, 2 U.S.C. 441a(a)(3).

tion to family member contributions, by defining "personal funds," in part, as "any assets to which at the time he or she became a candidate the candidate had legal and rightful title * * * and which the candidate had legal right of access to or control over, including funds from immediate family members." (Emphasis added.) It is thus clear that family members are now limited to contributions not in excess of \$1,000 per election to related Federal candidates.

In summary, prior to the cited Buckley decision, immediate family members could contribute not in excess of \$25,000 to a related Federal candidate; after May 11, 1976 they were limited by the 1976 Amendments to \$1,000. During the period between January 30 and May 11, 1976, the law was sufficiently unclear that the Commission will not require refund of any contribution in excess of \$1,000 per election, so long as it was within the donor's \$25,000 annual contribution limitation. See Advisory Opinion 1976-26. These contributions would be charged, however, against the individual's \$1,000 per election contribution limitation after May 11, 1976, since Congress merely incorporated the \$1,000 limitation from the 1964 Amendments into the 1976 Amendments. For purposes of this policy an individual's contribution limits with respect to each election would be aggregated. For example, the individual who gave more than \$2,000 (or \$3,000 if a runoff election was required) to a related candidate in April 1976 could not make any additional contribution after May 11 with respect to any 1976 election in which the candidate was entered or to retire an outstanding debt of that candidate from any 1976 election.

ADVISORY OPINION 1975-65

CONTRIBUTION FROM IMMEDIATE FAMILY FOR SENATE CAMPAIGN

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request for an advisory opinion from Congressman Alphonzo Bell which was published as AOR 1975-65 in the FEDERAL REGISTER, September 18, 1975 (40 FR 43162). Interested parties were given an opportunity to submit written comments regarding the request, but none were received.

Representative Bell presents two issues for determination by the Commission: (1) whether the spouses of his children and his wife's brother, sister and parents are members of his "immediate family" for the purpose of limits on contributions from family funds; (2) whether a member of a candidate's immediate family may contribute up to \$1,000 (18 U.S.C. § 608(b)(1)) once the candidate has reached the ceiling on permissible expenditures from his or her family's personal funds.

I. MEMBERS OF IMMEDIATE FAMILY

18 U.S.C. § 608(a)(1) provides in pertinent part that:

No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his

campaigns during any calendar year for nomination for election, or for election to Federal office in excess of, in the aggregate—

(A) \$50,000, in the case of a candidate for the office of President or Vice President of the United States;

(B) \$35,000, in the case of a candidate for the office of Senator * * * or

(C) \$25,000, in the case of a candidate for the office of Representative * * *.

For the purposes of these limitations on contributions/expenditures from personal funds, the term "immediate family" has been unambiguously defined. According to the explicit language of § 603(a)(2),

"immediate family" means a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons.

Therefore, the brother, sister and parents of Representative Bell's wife are not regarded as members of his "immediate family," whereas the spouses of his children come within the purview of § 603(a)(2).

II. CONFLICT OF 18 U.S.C. §§ 608(a)(1) AND 608(b)(1)

Regarding the second issue raised, it is the opinion of the Commission that an immediate family member may contribute more than \$1,000 to the related Federal candidate, provided the member does not exceed the \$25,000 aggregate limit on contributions by an individual [18 U.S.C. § 608(b)(3)] and, that the candidate does not surpass the ceiling on contributions and/or expenditures from personal or family funds [18 U.S.C. § 608(a)(1)].

On its face, the language of § 608(a)(1) clearly supports the view of the Commission. A candidate is permitted to make campaign expenditures no greater than the amount designated for the office sought "from his personal funds, or the personal funds of his immediate family * * *". The Appellate Court in *Buckley v. Valeo*, 510 F.2d 821, at 854 (D.C. Cir., 1975), upheld § 608(a) against constitutional challenge, interpreting it as serving "to relax the \$1,000 per candidate contribution limit for a candidate and his immediate family."

§ 608(a) does not relax the \$25,000 ceiling on all contributions in a calendar year, however. Each donation of a family member to the campaign of a related candidate must be credited against the § 608(b)(3) limit. A family member who has already made contributions aggregating \$25,000 may not, therefore, contribute further to the related candidate.

A candidate, however, is not restricted by the § 608(b)(3) ceiling in drawing monies from personal funds in connection with his/her own campaigns. The language of § 608(a) on its face clearly overrides the application of the \$25,000 aggregate contribution limits of § 608(b)(3) as to candidates for the offices of President, Vice President, Senator, or Representative from a state which is entitled to only one Representative [18 U.S.C. § 608(a)(1)(A)-(B)].

After a candidate reaches the appropriate § 608(a) aggregate limit, further

contributions by any immediate family member are prohibited. If any family member wishes to further contribute to the candidate or to the candidate's campaign committee, the candidate or another family member who has previously given should request a refund in the same amount from the principal campaign committee in order not to violate § 608(a).

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

FEDERAL ELECTION COMMISSION,
Washington, D.C., September 20, 1976.

WAYNE C. MCGARVEY,
Treasurer, Neil Rolde for U.S. Congress, Post
Office Box 3786, Portland, Maine 04104.

DEAR MR. MCGARVEY: This letter responds to your letter of April 29, 1976, requesting an opinion reconciling the apparent conflict between Advisory Opinion 1975-65, FEDERAL REGISTER (40 FR 58393, December 16, 1975), and the Supreme Court's discussion of contributions by family members in *Buckley v. Valeo*, 424 U.S. 1 (1976).

We regret the delay in answering your inquiry, but subsequent to the Supreme Court's decision in *Buckley v. Valeo*, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. 437f, as amended by the Federal Election Campaign Act Amendments of 1970, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. Proposed regulations were sent to the Congress on August 3, 1976.

In AO 1975-65, the Commission concluded that an immediate family member [as defined previously in 18 U.S.C. 608(a)(2)] could contribute more than \$1,000 to a related Federal candidate provided that the member did not exceed the \$25,000 aggregate limit on contributions by an individual in a calendar year and that the candidate did not surpass the ceiling upon contributions and/or expenditures from personal or family funds [18 U.S.C. 608(a)(1)]. We note that contributions on October 9, 1975, and November 10, 1975, totalling \$3,500 were made to the Rolde for Congress Committee by the candidate's father within the period of time in which AO 1975-65 represented the prevailing interpretation of § 608(a). If the \$3,500 did not cause Mr. L. Robert Rolde, the candidate's father, to exceed his \$25,000 annual contribution ceiling (2 U.S.C. 441a(a)(3)) then the contributions would comport with the Commission's understanding of 18 U.S.C. 608(a) before *Buckley*.

In its opinion in *Buckley*, issued January 30, 1976, the Supreme Court invalidated the ceilings in § 608(a) on campaign expenditures from the candidate's personal funds. Furthermore, in footnote 57, the Court noted, with approval, language from the Conference Report on the 1974 Amendments to the Act which applied the \$1,000 limitation on contributions to any candidate [previously 18 U.S.C. 608(b)(1)] to donations by family members.

It is the intent of the conferees that members of the immediate family of any candidate shall be subject to the contribution limitations established by this legislation. If a candidate for office of Senator, for example, already is in a position to exercise control over funds of a member of his immediate family before he becomes a candidate, then he could draw upon these funds up to the limit of \$35,000. If however, the candidate

did not have access to or control over such funds at the time he became a candidate, the immediate family member would not be permitted to grant access or control to the candidate in amounts up to \$35,000, if the immediate family member intends that such amounts are to be used in the campaign of the candidate. The immediate family member would be permitted merely to make contributions to the candidate in amounts no greater than \$1,000 for each election involved. H. Rep. No. 93-1438, p. 58 (1974).

This treatment of expenditures from a candidate's personal funds and of contributions by immediate family members is essentially reflected in the Commission's proposal regulations. I direct you particularly to § 110.10 (copy enclosed) which defines a candidate's "personal funds," from which he/she may spend without limit, as the total assets over which the candidate had, prior to candidacy, both legal and rightful title and access and control.

We understand that L. Robert Rolde, the candidate's father, contributed \$2,000 on March 12, 1976, (i.e., after the Supreme Court's prevailing interpretation that the \$1,000 limit applied to contributions from immediate family members). Although in excess of the limits now clearly applicable to contributions from members of a candidate's immediate family, the Commission concludes, in view of the uncertainty of the law in this respect during the period between January 30, 1976 and May 11, 1976 (the effective date of the 1976 Amendments), that contributions made during that period by immediate family members need not be returned if they are otherwise in conformity to the holding in AO 1975-65. However, such contributions would be counted against the limits now held to be applicable to family members under the 1976 Amendments and the proposed regulations. This means that L. Robert Rolde could make no further contri-

bution to the candidate with respect to any primary or general election in 1976.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. § 437f.

Sincerely yours,

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

Enclosure.

[FR Doc.76-29316 Filed 10-5-76;8:45 am]

[Notice 1976-51]

MULTICANDIDATE COMMITTEES

Index

The Federal Election Commission today publishes an Index of "Multicandidate Political Committees," which is defined by 2 U.S.C. 441a(a) (4) of the Federal Election Campaign Act of 1971, as amended, to mean a political committee:

... registered under section 433 for a period not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organizations, has made contributions to 5 or more candidates for Federal office.

This Multicandidate Committee list is derived from a review of the reports and statements filed with the Commission, the General Accounting Office, the Clerk of the House, and the Secretary of the Senate, since April 7, 1972. Please note that all committees which had met the qualifications for Multicandidate Committee status prior to January 1, 1975, are determined to have been qualified as

of January 1, 1975, the effective date of the 1974 amendments to the Federal Election Campaign Act.

This index does not in any way treat the question of affiliation between political committees, multicandidate or otherwise. (See FEC Proposed Regulations Section 110.3, 41 FR 35949 August 25, 1976.) A consolidated index specifically identifying the status of such affiliated committees will be published at a later date.

The Commission is publishing this Index as prescribed by 2 U.S.C. 438(a) (6), requiring periodic publications in the FEDERAL REGISTER of an Index of Multicandidate Committees, including the date of registration of such committees and the committees' dates of qualification under FEDERAL REGISTER on a periodic basis. Additional copies of this Index are available from the Commission for \$0.25 per copy.

Any person who believes that a committee not included on this Index has, in fact, met the qualifications for multicandidate status should so advise the Commission in writing and provide documentation as appropriate, so that the Commission can correct or update its records.

PARA PERSONA DE HABLA ESPANOL

Si usted tiene dificultades en entender el indice, escriba a Federal Election Commission, 1325 K Street, NW, Washington, DC 20463

Dated: October 1, 1976.

VERNON W. THOMSON,
Chairman,
Federal Election Commission.

QUALIFIED MULTICANDIDATE COMMITTEES

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Action Committee for Rural Electrification	4-17-72	1-1-75
Active Ballot Club, A Department of Retail Clerks International Association	4-17-72	5-21-75
Active Ballot Club, Local 692	5-8-72	1-1-75
Active Ballot Club or Retail Clerks International Association Local 1262 of North New Jersey	4-29-72	1-1-75
AFL-CIO COPE	4-17-72	1-1-75
Agricultural and Dairy Educational Political Trust	4-7-72	1-1-75
Airline Pilots Association Political Action Committee	1-12-76	7-12-76
Alabama Medical Political Action Committee	4-13-72	1-1-75
Amalgamated Political Education Committee	4-18-72	1-1-75
AMCOPE - Amalgamated Meat Cutters & Butcher Workmen Committee on Political Education	4-13-72	1-1-75
American Apparel Manufacturers Political Action Committee	4-14-72	1-1-75
American Book Publishers Political Action Committee	7-24-74	1-24-75
American Dental Political Action Committee	4-13-72	1-1-75
American Family Political Action Committee	4-13-72	6-26-76
American General Political Action Committee	1-15-75	7-9-76
American Hotel Motel Political Action Committee	4-14-72	1-1-75
American Insurance Men's Political Action Committee	4-19-72	1-1-75

COMMITTEE	REGISTRATION		QUALIFICATION
	DATE	DATE	
American Medical Political Action Committee	4-13-72	1-1-75	
American Nursing Home Education and Political Action Committee	4-28-72	1-1-75	
American Optometric Association Political Action Committee	5-28-75	1-1-75	
American Textile Industry for Good Government	11-5-75	5-5-76	
Americans for Constitutional Action	4-11-72	1-1-75	
Anaconda Concerned Citizens Fund	10-2-75	5-31-76	
Association for Better Citizenship	7-10-72	1-1-75	
Association for Responsible Government	7-29-74	1-18-75	
Attorneys Congressional Campaign Trust	2-21-75	6-19-76	
ATU COPE Political Contributions Committee	11-25-75	5-25-76	
Automobile Dealers Political Action Committee	1-22-76	7-22-76	
Automobile and Truck Dealers Election Action Committee	7-15-75	4-12-76	
Baltimore Regional Joint Board Political Education Committee	10-18-72	1-1-75	
Banking Profession Political Action Committee	4-13-72	6-17-75	
Boating Information Council Political Action Committee	2-19-74	1-1-75	
Bread Political Action Committee	4-8-74	1-1-75	
Bricklayers Action Committee	4-17-72	1-1-75	
Brooklyn Longshoremen's Political Action & Education Fund	4-18-72	1-1-75	
Builders Political Campaign Committee	4-14-72	1-1-75	
Burlington Northern Employees Voluntary Good Government Fund	4-18-72	1-1-75	

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Bus Industry Public Affairs Committee	4-18-72	1-1-75
Business Industry Political Action Committee	4-17-72	1-1-75
California Cable Television Political Action Committee	9-10-75	3-10-76
California Dental Political Action Committee	4-20-72	1-1-75
California Medical Political Action Committee	4-17-72	1-1-75
California Rice Fund	8-3-73	5-11-76
Campaign '72	4-14-72	10-29-74
Carpenter's Legislative Improvement Committee	4-14-72	1-1-75
Carpet & Rug Industry Political Action Committee	1-9-76	6-10-76
Cattlemen's Action Legislative Fund	4-17-72	1-1-75
Century Club	4-17-72	1-1-75
Chevron Committee for Political Participation	10-15-75	4-15-76
Chiropractic Political Action Committee of Oregon	11-25-74	5-25-75
Citicorp Employees Voluntary Political Fund	8-4-72	1-1-75
Citizens Action Committee	10-3-75	7-7-76
Civic Trust 80	8-14-72	1-1-75
Coal Miners Political Action Contributions Committee	1-8-74	1-1-75
Committee for Action	4-20-72	1-1-75
Committee for Election of Congressional Candidates	12-1-72	1-1-75
Committee for Good Government (Michigan)	4-17-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Committee for the Advancement of Cotton	9-12-75	3-12-76
Committee for Sensible Government	1-26-75	6-23-76
Committee for the Survival of a Free Congress	7-17-74	1-17-75
Committee for Thorough Agricultural Political Education	4-17-72	1-1-75
Committee of Automotive Retailers	4-19-72	1-1-75
Committee on Agricultural Policy	3-9-73	1-1-75
Committee on American Leadership	4-28-72	1-1-75
Committee on Federal Employee Political Education	8-16-72	1-1-75
Committee on Letter Carriers Political Education	11-5-74	5-5-75
Committee on Political Education (COPE AFL-CIO, Denver)	6-30-72	1-1-75
COPE - Political Contributions Committee	1-30-74	1-1-75
Committee Organized for the Trading of Cotton	2-7-74	6-30-75
Commonwealth Associates "F" Fund	9-11-73	1-1-75
Communications Political Action Committee	4-14-72	1-1-75
Connecticut Republican Federal Campaign Committee	1-22-76	7-22-76
CONPAC	10-16-72	1-1-75
Conservative Victory Fund	8-1-72	1-1-75
Consolidated Executives' Voluntary Non-Partisan Political Fund	10-23-72	1-1-75
Construction Equipment Political Action Committee	8-28-72	1-12-75
Constructive Citizenship Program	5-5-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Constructive Congress Committee	1-2-76	7-2-76
COPE Committee for the United Rubber, Cork, Linoleum and Plastic Workers of America	4-13-72	1-1-75
Council for a Liveable World	4-17-72	1-1-75
Credit Union Legislative Action Council	5-25-72	1-1-75
Crown Employees Political Fund	7-2-75	3-15-76
CWA COPE Political Contributions Committee	4-17-72	1-1-75
CWA District 1 Political Action Committee	9-2-75	3-2-76
CWA District 2 Political Action Committee	9-3-75	3-3-76
CWA District 6 Political Action Committee	9-29-75	6-30-76
CWA District 12 Political Action Committee	9-12-75	4-5-76
Davenport Education Association Political Action Committee	7-31-75	1-31-76
D.C. Republican Committee	4-7-72	1-1-75
Del Monte Voluntary Nonpartisan Good Government Fund	7-10-72	1-1-75
Democratic Congressional Campaign Committee	4-14-72	1-1-75
Democratic Party of Arizona	8-7-75	2-7-76
Democratic Executive Committee of Florida	4-19-72	1-1-75
Democratic Party of New Mexico	10-15-74	1-1-75
Democratic Party of Wisconsin	5-24-74	1-1-75
Democratic Republican Independent Voter Education Committee	6-10-72	1-1-75
Democratic Senatorial Campaign Committee	4-7-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Democratic State Central Committee of Colorado	6-26-72	1-28-75
Democratic State Central Committee of Maryland	6-4-74	1-1-75
Democratic State Central Committee of Delaware	4-17-72	1-1-75
Detroit Piping Industry Political Action Committee	5-4-72	1-1-75
District 1199 Political Action Fund	4-10-74	4-4-75
District 2 MEBA - AMO AFL/CIO Voluntary Political Action Fund	4-14-72	1-1-75
DNC Services Corporation	9-25-72	1-1-75
Dow Eastern Employees Political Action Committee	10-21-75	6-30-76
DSG Campaign Fund	4-17-72	1-1-75
The East Ohio Gas Employees Voluntary Good Government Association	2-15-74	1-1-75
Effective Government Association	4-17-72	1-1-75
Employees Political Action Committee (EMPAC) - Central Division Dow Chemical	10-31-75	4-31-76
Employees Rights Campaign Committee	12-31-75	7-1-76
Engineers Political and Education Committee	4-17-72	1-1-75
FED PAC	4-17-72	1-1-75
Federal Campaign Account - Ohio Democratic Party	2-4-75	3-31-76
Federal Citizenship Responsibility Group	4-7-75	10-7-75
F.I.R.E. - P.A.C.	4-19-72	1-1-75
First Associates National	5-15-72	1-1-75
First Wisconsin Civic Affairs Committee	1-5-76	7-5-76

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Florida Agricultural Education Committee	7-2-73	1-1-75
Florida Bankers Political Action Committee	9-10-73	1-1-75
Florida Medical Political Action Committee	5-15-72	1-1-75
Food Industry Good Government Committee	8-1-73	1-1-75
Forest Products Political Committee	4-17-72	1-1-75
Freezers Political Action Committee	10-24-72	1-1-75
Frisco Employees' Committee for Good Government	4-17-72	1-1-75
Fund for Better Government	8-28-72	10-13-75
Fund for Effective Government	9-15-72	1-1-75
Gala Dinner Committee	9-12-75	3-12-76
Gas Employees Political Action Committee	5-12-72	1-1-75
General Telephone Employees Good Government Club	4-19-72	3-6-76
General Telephone Good Government Club (California)	4-15-72	1-1-75
Georgia Medical Political Action Committee	4-17-72	1-1-75
Good Government Committee (San Francisco)	4-17-72	1-1-75
Good Government Fund (San Francisco)	5-13-75	11-13-75
Good Government Group (Trust Co., Georgia)	7-27-72	1-1-75
Government Improvement Group	4-17-72	1-1-75
G-P Employees Fund	5-1-75	11-1-75
Graphic Arts International Union Political Contributions Committee	9-4-75	5-13-76

COMMITTEE	REGISTRATION		QUALIFICATION	
	DATE		DATE	
Greater Indianapolis Republican Finance Committee	4-17-72		1-1-75	
Gun Owners of America - Target-'76	9-4-75		5-13-76	
Group Practice Political Action Committee	10-2-74		11-12-75	
The Hanson Fund	5-23-72		1-1-75	
Hawaiian Telephone Employees Good Government Club	9-12-72		1-1-75	
House PAC	1-16-76		7-16-76	
Hughes Active Citizenship Fund	4-17-72		1-1-75	
H. & R.E. & B.I.U. TIP To Insure Progress	4-17-72		1-1-75	
ICG Good Government Fund	4-17-72		1-1-75	
Idaho State Democratic Central Committee	9-13-74		3-15-75	
I.L.G.W.U. Campaign Committee	4-18-72		1-1-75	
Illinois Medical Political Action Committee	4-7-72		1-1-75	
Illinois Republican State Central Committee	6-12-72		1-1-75	
Independent Bankers Political Action Committee	12-15-75		6-15-76	
Independent Medicine's Political Action Committee (Tennessee)	4-7-72		1-1-75	
Independent Minnesota Political Action Committee	4-17-72		1-1-75	
Indiana Medical Political Action Committee	4-13-72		1-1-75	
Indiana Republican State Central Committee	4-25-72		1-1-75	
Industries Civic Trust	4-21-72		1-1-75	
INOPAC	7-14-75		3-3-76	

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Insurance Public Affairs Council	9-26-75	4-16-76
International Brotherhood of Electrical Workers Committee on Political Education	5-22-72	1-1-75
International Brotherhood of Firemen and Oilers League	4-19-72	1-1-75
Iowa Medical Political Action Committee	4-17-72	1-1-75
Ironworkers Political Action League	10-6-72	1-1-75
IUE Committee on Political Education	4-24-72	1-1-75
Kansas Democratic State Committee	7-5-73	1-1-75
Kansas Republican State Committee	4-17-72	1-1-75
Kennecot Executive's Citizenship Association	5-7-73	1-1-75
Kentucky Educational Medical Political Action Committee	4-9-74	1-1-75
Kentucky State Democratic Central Executive Committee	11-2-72	1-1-75
Laborer's Political League	5-30-72	1-1-75
League of Conservative Voters	4-17-72	1-1-75
League of Conservative Voters Campaign Fund	4-17-72	1-1-75
Legislative Action Program	4-19-72	1-1-75
Life Underwriters Political Action Committee - D.C.	4-19-72	1-1-75
Litton Employees Political Action Committee	2-3-76	8-3-76
Local 302 Voluntary Political Fund (Seattle)	6-12-72	1-1-75
Lockheed Good Government Program	9-4-75	5-10-76
Los Angeles COPE - Voluntary Political Contributions Committee	3-12-75	1-31-76

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
The LTV Corporation/Vought Corporation Active Citizenship Campaign	6-26-72	1-1-75
Louisiana Medical Political Action Committee	4-14-72	1-1-75
Machinists Nonpartisan Political League	4-17-72	1-1-75
Maine Democratic State Committee	6-10-72	1-1-75
Maine Republican State Committee	4-17-73	1-1-75
Maintenance of Way Political League	4-12-72	1-1-75
Marine Cooks and Stewards Voluntary Defense and Education Fund	1-14-76	7-14-76
Maryland Medical Political Action Committee	4-17-72	1-1-75
Masters Mates and Pilots Pensioners Action Fund	4-19-73	1-1-75
MCU Legislative Action Fund	1-29-73	11-18-75
MEBA Political Action Fund	4-17-72	1-1-75
Meredith Corporation Employees Fund for Better Government	9-18-72	1-1-75
Michigan Doctors Political Action Committee	4-14-72	1-1-75
Michigan State AFL-CIO COPE Voluntary Fund	5-11-72	1-1-75
Mid West Area Political Action Committee	1-13-76	7-13-76
Minnesota D.R.I.V.E.	5-5-72	1-1-75
Minnesota Medical Political Action Committee	4-17-72	1-1-75
Minnesota Republican Finance Committee	4-14-72	1-1-75
Missouri Medical Political Action Committee	4-17-72	1-1-75
Missouri Republican State Committee	6-10-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Montana Republican State Central Committee	10-24-72	1-1-75
Montana State Democratic Central Committee	9-5-72	1-1-75
Mortgage Bankers Political Action Committee	4-14-72	1-1-75
National Committee for an Effective Congress	4-17-72	1-1-75
National Education Association Political Action Committee	4-14-72	1-1-75
National Republican Congressional Committee	4-17-72	1-1-75
National Republican Heritage Groups (Nationalities) Council	4-17-72	1-12-75
National Republican Senatorial Committee	4-14-72	1-1-75
National Women's Political Caucus Campaign Support Committee	7-16-75	5-18-76
Nebraska Democratic Central State Committee	4-15-72	1-1-75
Nebraska Republican State Central Committee	4-15-72	1-1-75
New Hampshire Republican State Committee	4-15-72	1-1-75
New Jersey Health Care Political Action Committee	1-20-76	6-30-76
New York Socialist Workers 1976 Campaign Committee	9-15-75	6-30-76
NL Executives Voluntary Nonpartisan Political Fund	6-3-75	6-1-76
NLI Testimonial Dinner Committee	10-21-75	6-30-76
NMU Political and Legislative Organization On Watch	1-31-74	1-1-75
Nonpartisan Committee for Good Government	8-31-73	1-1-75
Nonpartisan Political Support Committee (Connecticut)	5-7-75	11-7-75
Nonpartisan Voluntary Political Fund	5-24-72	1-1-75

COMMITTEE	REGISTRATION		QUALIFICATION	
	DATE		DATE	
North Carolina Congressional Club	11-7-74		10-15-75	
North Carolina Democratic Executive Committee	4-24-72		1-1-75	
North Carolina Medical Political Education and Action Committee	4-7-72		1-1-75	
North Dakota Republican State Committee	4-17-72		1-1-75	
North Western Officers Trust Account	1-31-73		1-1-75	
Nursing Home Administrators Political Action Committee of Texas	2-7-75		12-31-75	
OCAW Political and Legislative League	5-23-73		1-1-75	
O.E. Local 825 Political Education and Action Committee	5-2-74		1-1-75	
Ohio D.R.I.V.E.	6-5-72		1-1-75	
Ohio Medical Political Action Committee	4-17-72		1-1-75	
Ohio Republican Finance Committee	4-12-72		1-1-75	
Oklahoma Republican State Committee	4-16-72		1-1-75	
Olin Executives Voluntary Nonpartisan Political Fund	4-17-72		1-1-75	
Oral Surgery Political Action Committee	4-19-72		1-1-75	
Oregon Democratic State Committee (Central)	10-21-72		1-1-75	
Oregon Republican State Central Committee	9-22-72		1-1-75	
Pace Political Action for Cooperative Effectiveness	4-17-72		1-1-75	
Pacific Lighting Political Assistance Committee	6-13-72		1-1-75	
Paine Webber Fund for Better Government	12-27-74		1-1-75	
Part IV Freight Forwarders Political Action Committee	2-23-74		5-30-75	

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
PATCO	2-14-74	4-8-75
Pennsylvania Medical Political Action Committee	4-18-72	1-1-75
Podiatry Political Action Committee	5-30-72	1-1-75
Political Action Committee - International Union Plant Guard Workers	1-29-73	4-29-76
Political Action Together - Political Committee	4-17-73	1-1-75
Political Awareness Fund	4-14-72	4-21-75
Political Committee for Design Professionals	10-18-72	1-1-75
Political Education Fund of the Building and Construction Trades Department	4-12-72	1-1-75
Political Fund of the American Postal Workers Union AFL-CIO	4-17-72	4-8-75
Public Affairs Fund	8-12-75	3-31-76
Public Employees Organized to Promote Legislative Equality (PEOPLE)	4-20-72	1-1-75
Public Employees Organized to Promote Legislative Equality Qualified Contributions Committee	10-20-72	1-1-75
Pullman Employees Good Government Fund	7-14-75	2-29-76
Railway Clerks Political League	4-14-72	1-1-75
Railway Labor Executives' Association Political League	10-5-72	1-1-75
Realtors Political Action Committee	7-13-72	1-1-75
Recording Arts Political Action Committee	6-29-72	1-1-75
Republican Congressional Boosters Club	4-14-72	1-1-75
Republican Party of Kentucky	3-8-74	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Republican Party of Virginia	7-14-72	1-1-75
Republican Party of Wisconsin	4-19-72	1-1-75
Republican State Central Committee of California	4-17-72	1-1-75
Republican State Central Committee of Colorado	4-17-72	1-1-75
Republican State Central Committee of Iowa	4-17-72	1-1-75
Republican State Central Committee of New Mexico	4-19-72	1-1-75
Republican State Central Committee of South Dakota	3-10-74	1-1-75
Republican State Central and Executive Committee of Ohio	4-17-72	1-1-75
Republican State Committee of Arizona	4-15-72	1-1-75
Responsible Government Association	7-5-72	1-1-75
Restaurateurs Political Action Committee	4-17-72	1-1-75
Rice and Soybean Political Action Committee	12-11-72	1-1-75
Right To Keep And Bear Arms Political Victory Fund	11-12-73	1-1-75
Riverside Civic Association	4-18-72	1-1-75
Sailors Political Fund	11-7-72	1-1-75
Savings Association Political Elections Committee	4-17-72	1-1-75
SAPEC - N.J.	11-1-72	1-1-75
Savings Bankers Nonpartisan Political Action Committee	4-17-72	1-1-75
SB Better Government Committee	10-9-72	1-1-75
Seafarers Political Activity Donation	4-14-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Security Pacific Active Citizenship Today Committee	8-21-75	6-28-76
Securities Industries Campaign Committee	4-17-72	1-1-75
Service Employees International Union COPE PCC (SEIU-COPE-PCC)	4-17-72	1-1-75
Sheet Metal and Air Conditioning Contractors' Political Action League	2-1-74	1-1-75
Sheet Metal Workers' International Association Political Action League	5-17-72	1-1-75
Signalmen's Political League	11-3-72	1-1-75
Socialist Workers 1974 National Campaign Committee	4-1-74	1-1-75
Socialist Workers 1976 Campaign Committee (Ohio)	4-15-74	10-1-75
South Carolina Political Action Committee	9-30-74	3-30-75
Southern Pacific Management Officers Good Government Fund	8-10-72	1-1-75
Southern Railway Good Government Fund	7-6-72	1-1-75
Southern Railway Tax Eligible Good Government Fund	7-6-72	1-1-75
Southwest Better Government Committee	6-10-72	1-1-75
Speak Up for Rural Electrification	5-24-72	1-1-75
Special Projects Group	4-17-72	1-1-75
State Democratic Executive Committee of Alabama	4-17-72	1-1-75
Supporters of Engineers Local 3 Federal Endorsed Candidates	10-29-74	11-6-75
The Tacoma Fund	5-23-72	1-1-75
Teamsters Joint Council #13 Political Action Committee	4-17-72	1-1-75

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
Telephone Education Committee Organization	4-14-72	1-1-75
Television and Radio Political Action Committee	8-14-72	1-1-75
Texaco Employees Political Involvement Committee	12-16-75	6-16-76
Texas Committee on Political Education (Texas - COPE)	4-28-72	1-1-75
Texas Medical Political Action Committee	4-14-72	1-1-75
Texas Republican Congressional Committee	2-22-74	1-1-75
Title Industry Political Action Committee	11-12-73	7-6-76
Tobacco People's Public Affairs Committee	8-4-72	1-1-75
Tooling and Machinery Industry Political Action Committee	2-14-73	1-1-75
Transport Workers Union Political Contributions Committee	6-10-72	1-1-75
Transportation Political Education League	4-7-72	1-1-75
Truck Operators Nonpartisan League	4-17-72	1-1-75
Trust for a Special Political Agricultural Community Education	4-17-72	1-1-75
U.A. Political Education Committee	9-7-73	1-1-75
UAW - V - CAP	4-17-72	1-1-75
UFT COPE	4-26-72	1-1-75
Union Camp Political Action Committee	11-7-75	5-7-76
United Congressional Appeal	4-14-72	1-1-75
United Paperworkers International Union Political Education Program	7-17-75	6-2-76

COMMITTEE	REGISTRATION DATE	QUALIFICATION DATE
United Steelworkers of America Political Action Fund	4-14-72	1-1-75
Utah Council for Improvement of Education	2-26-73	1-1-75
Vermont Republican Federal Election Committee	10-20-75	4-20-76
Vermont State Democratic Committee	3-27-75	9-27-75
Virginia Medical Political Action Committee	4-17-72	1-1-75
VNB Good Government Committee	10-21-75	6-30-76
The Voluntary Contributors for Better Government: A Program of International Paper Employees	1-14-76	7-14-76
VOTE COPE	8-26-74	2-18-76
Washington State Republican Federal Campaign Committee	7-14-75	1-14-76
Washington State Democratic Committee	6-28-74	1-1-75
Women's Campaign Fund	3-8-74	1-1-75
Wyoming Democratic State Central Committee	4-20-72	1-1-75
Wyoming State Democratic Committee	4-17-72	1-1-75
Young American's Campaign Committee	4-17-72	1-1-75
1976 Michigan Socialist Workers Campaign Committee	3-17-75	6-30-76
75/76 Socialist Workers Campaign Committee	12-20-74	1-31-76
76 Democratic Campaign Committee - Michigan	7-21-75	3-31-76

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